

# HOUSE BILL 187

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By: **Delegate Waldstreicher**

Introduced and read first time: January 21, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services – Juvenile Services Administration – Established**

3 FOR the purpose of establishing the Juvenile Services Administration in the  
4 Department of Human Resources; transferring the duties, powers, and  
5 responsibilities of the Department of Juvenile Services to the Juvenile Services  
6 Administration; requiring the Secretary of Human Resources, with the approval  
7 of the Governor, to appoint an Executive Director of Juvenile Services;  
8 establishing that the Executive Director serves at the pleasure of the Secretary  
9 of Human Resources; providing for the compensation of the Executive Director;  
10 transferring the duties, responsibilities, and authority of the Secretary of  
11 Juvenile Services to the Executive Director of Juvenile Services; repealing  
12 references to the Department of Juvenile Services and the Secretary of Juvenile  
13 Services; making conforming changes; providing for the effective date of various  
14 provisions of this Act; providing for the termination of certain provisions of this  
15 Act; and generally relating to the establishment of a Juvenile Services  
16 Administration.

17 BY repealing and reenacting, without amendments,  
18 Article – Correctional Services  
19 Section 2–401(a) and 8–201(a)  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Correctional Services  
24 Section 2–401(b)(2)(ii), 2–404, 2–501(b)(9)(ii), 6–102(2), 7–102(2), 8–201(h),  
25 8–202(8), 8–204(a)(2) and (b)(1), 8–208(a)(14) and (b), 8–209(d),  
26 8–706(2), 8–707, 8–709(b), 8–710(c), and 10–601(b)(2), (c)(2), and (d)(2)  
27 Annotated Code of Maryland  
28 (2008 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY adding to  
2 Article – Correctional Services  
3 Section 8–201(h)  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2009 Supplement)
- 6 BY repealing  
7 Article – Correctional Services  
8 Section 8–201(i)  
9 Annotated Code of Maryland  
10 (2008 Replacement Volume and 2009 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 3–815(f)(4), 3–8A–01(h)(1), 3–8A–10(c)(4)(ii), (c–1)(4) and (5), and (i),  
14 3–8A–10.1(b), 3–8A–11(b), 3–8A–15(e)(3) and (h)(2), (3), and (4),  
15 3–8A–17(a), 3–8A–17.1(b), 3–8A–17.3(c)(1), 3–8A–17.8(c)(2), 3–8A–17.12,  
16 3–8A–19(d)(1)(ii), (3), and (5)(i), 3–8A–20.1(a)(1), (b), (c), and (d)(1), and  
17 3–8A–27(a)(2)(i) and (iii) and (b)(2), (3)(i), and (4)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2009 Supplement)
- 20 BY repealing and reenacting, with amendments,  
21 Article – Courts and Judicial Proceedings  
22 Section 3–8A–27(a)(2)(i) and (b)(2), (3)(i), and (4)  
23 Annotated Code of Maryland  
24 (2006 Replacement Volume and 2009 Supplement)  
25 (As enacted by Chapter 10 of the Acts of the General Assembly of 2006, as  
26 amended by Chapters 602 and 603 of the Acts of the General Assembly of  
27 2008)
- 28 BY repealing and reenacting, with amendments,  
29 Article – Criminal Procedure  
30 Section 10–201(f)(3), 10–208(a)(14), 10–220(c), 11–113(c)(3)(ix), 11–402(a),  
31 11–507, 11–607(a)(2), (b), and (c)(1), 11–616(a), (c), (d), and (e)(1),  
32 11–617(c)(3), (4), and (5) and (d)(2), 11–701(m)(13), 11–704(c)(1)(ii) and  
33 (2)(ii), 11–912(a)(1)(v), and 11–1003(c)  
34 Annotated Code of Maryland  
35 (2008 Replacement Volume and 2009 Supplement)
- 36 BY repealing and reenacting, with amendments,  
37 Article – Education  
38 Section 2–303(h)(1)(i), 3–109(e)(8), 3–6A–05(a)(2)(viii), 6–302(a)(1)(i),  
39 6–303(b)(1)(i)3., 7–302(b)(3), 7–305(h)(1), 7–309(a)(1), 7–4A–03(a)(4),  
40 7–1203(b)(5) and (c)(2)(iv), 8–412(a)(7), 8–417(a) and (b), 8–501(e)(3),  
41 18–1803(b)(3), 18–2101(b)(2) and (d)(2), 22–301, 22–303(a)(1), 22–304(a)  
42 and (c)(5), 22–305(b)(3)(iii), 22–306(d)(1)(i) and (2), 22–308(c), and 22–309  
43 Annotated Code of Maryland

1 (2008 Replacement Volume and 2009 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Family Law

4 Section 5–503(a), 5–508(b)(5)(iii), 5–509(b)(3), 5–509.1(b)(3), 5–527(c),  
5 5–560(d)(3), 5–7A–02(a)(6), and 9–403(c)(2)(i)

6 Annotated Code of Maryland

7 (2006 Replacement Volume and 2009 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article – Health – General

10 Section 2–104(b)(2)(i), 5–703(a)(6), 8–1001(c)(3), 10–309(a)(1)(ii)1.K.,  
11 10–514(d)(2)(ii), 10–923(a)(6), 15–139(e), 16–206(b), 18–4A–03(a)(8) and  
12 (c), and 24–804(b)(4)

13 Annotated Code of Maryland

14 (2009 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – Health Occupations

17 Section 4–308(h)(3)(i)4., 20–101(b)(1)(iv) and (i)(2)(i)3., and 20–202(a)(2)(i)2.

18 Annotated Code of Maryland

19 (2009 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Human Services

22 Section 1–212(b)(2)(iii), 4–205(c), 8–101(m)(2)(i)3., 8–302(2)(ii), 8–402(4),  
23 8–406(a)(1)(i), 8–701(b)(3), 8–703.1(a)(2)(ii), 8–709(2), 8–801(2),  
24 8–1001(b)(2)(i), 8–1002(2), 9–101; 9–201, 9–203 through 9–212 and 9–214  
25 through 9–223 to be under the amended subtitle “Subtitle 2. Juvenile  
26 Services Administration” and the amended part “Part I. Organization and  
27 Administration of Administration”; 9–226 through 9–237, 9–238.1, 9–239  
28 through 9–240.1, 9–241 through 9–246, 9–401(c)(1)(ii), 9–402, 9–405(a),  
29 and 9–410(a)(1)

30 Annotated Code of Maryland

31 (2007 Volume and 2009 Supplement)

32 BY repealing

33 Article – Human Services

34 Section 9–202

35 Annotated Code of Maryland

36 (2007 Volume and 2009 Supplement)

37 BY adding to

38 Article – Human Services

39 Section 9–202

40 Annotated Code of Maryland

41 (2007 Volume and 2009 Supplement)

- 1 BY repealing and reenacting, with amendments,  
2 Article – Human Services  
3 Section 9–219  
4 Annotated Code of Maryland  
5 (2007 Volume and 2009 Supplement)  
6 (As enacted by Chapter 10 of the Acts of the General Assembly of 2006, as  
7 amended by Chapters 602 and 603 of the Acts of the General Assembly of  
8 2008)
- 9 BY repealing and reenacting, with amendments,  
10 Article – Labor and Employment  
11 Section 11–1003(b)(1)(v)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2009 Supplement)
- 14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 2–702(b)(1)(i)2. and 5–502(b)(2)(i)  
17 Annotated Code of Maryland  
18 (2003 Volume and 2009 Supplement)
- 19 BY repealing and reenacting, with amendments,  
20 Article – State Finance and Procurement  
21 Section 3–305(d), 13–107.1(l)(4), and 14–501(b)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume)
- 24 BY repealing and reenacting, with amendments,  
25 Article – State Government  
26 Section 6–401, 6–402(b), 6–404(1)(ii), (3), (5), and (8), 6–405(3),  
27 6–406, and 10–616(q)(5)(iii)8.  
28 Annotated Code of Maryland  
29 (2009 Replacement Volume)
- 30 BY repealing and reenacting, with amendments,  
31 Article – State Personnel and Pensions  
32 Section 10–501(c), 10–502, 10–506(b), and 10–507  
33 Annotated Code of Maryland  
34 (2009 Replacement Volume and 2009 Supplement)
- 35 BY repealing and reenacting, with amendments,  
36 Article 25B – Home Rule for Code Counties  
37 Section 13C–1(i)(2)  
38 Annotated Code of Maryland  
39 (2005 Replacement Volume and 2009 Supplement)

40 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
41 MARYLAND, That the Laws of Maryland read as follows:



1           **(H) “PERMANENT APPOINTMENT” MEANS AN APPOINTMENT THAT HAS**  
2 **PERMANENT STATUS.**

3           **[(h) (I) (1) “[Department of] Juvenile Services ADMINISTRATION**  
4 **employee” means a youth supervisor, youth counselor, direct care worker, or other**  
5 **employee of the [Department of] Juvenile Services ADMINISTRATION whose**  
6 **employment responsibility is the investigation, custody, control, or supervision of**  
7 **minors, juvenile delinquents, and youthful offenders who are committed, detained,**  
8 **awaiting placement, adjudicated delinquent, or are otherwise under the supervision of**  
9 **the [Department of] Juvenile Services ADMINISTRATION.**

10           (2) “[Department of] Juvenile Services ADMINISTRATION employee”  
11 includes an employee of any nonprofit or for-profit entity under contract with the  
12 [Department of] Juvenile Services ADMINISTRATION whose employment  
13 responsibility is the investigation, custody, control, or supervision of minors, juvenile  
14 delinquents, and youthful offenders as described under paragraph (1) of this  
15 subsection.

16           **[(i) “Permanent appointment” means an appointment that has permanent**  
17 **status.]**

18 8–202.

19           The General Assembly finds that:

20           (8) [Department of] Juvenile Services ADMINISTRATION employees  
21 should have specific and appropriate training for that population.

22 8–204.

23           (a) The Commission consists of the following 14 members:

24           (2) the [Secretary] EXECUTIVE DIRECTOR of Juvenile Services;

25           (b) (1) The Governor shall appoint, with the advice and consent of the  
26 Senate, four correctional officers or officials to be members of the Commission, at least  
27 one of whom shall be a [Department of] Juvenile Services ADMINISTRATION  
28 employee or official.

29 8–208.

30           (a) Subject to the authority of the Secretary, the Commission has the  
31 following powers and duties:

1 (14) subject to subsection (b) of this section, to develop and implement  
2 specific program design and appropriate course curriculum and training for  
3 [Department of] Juvenile Services **ADMINISTRATION** employees; and

4 (b) For any contract entered on or after July 1, 2000 between the  
5 [Department of] Juvenile Services **ADMINISTRATION** and any nonprofit or for-profit  
6 entity, the cost and expenses for any course or training required under subsection  
7 (a)(14) of this section for [Department of] Juvenile Services **ADMINISTRATION**  
8 employees of any nonprofit or for-profit entity under contract with the [Department  
9 of] Juvenile Services **ADMINISTRATION** shall be paid for or reimbursed by the  
10 nonprofit or for-profit entity, and may not be a part of or reimbursed by funds from  
11 the contract with the [Department of] Juvenile Services **ADMINISTRATION**.

12 8-209.

13 (d) The Commission shall establish the minimum qualifications for  
14 probationary or permanent appointment as a [Department of] Juvenile Services  
15 **ADMINISTRATION** employee.

16 8-706.

17 A community service program:

18 (2) for juveniles, shall be administered either by the county or, within  
19 the county, by the [Department of] Juvenile Services **ADMINISTRATION**.

20 8-707.

21 A county may elect to have a community service program monitored by:

22 (1) the Division of Parole and Probation;

23 (2) the [Department of] Juvenile Services **ADMINISTRATION**; or

24 (3) the county.

25 8-709.

26 (b) The administrator of each community service program shall prepare  
27 separate reports containing annual statistical data on all adults and juveniles in the  
28 program and submit:

29 (1) the report on adults to the Division of Parole and Probation;

30 (2) the report on juveniles to the [Department of] Juvenile Services  
31 **ADMINISTRATION**; and

1 (3) both reports to the Administrative Office of the Courts.

2 8–710.

3 (c) This subtitle does not limit the authority of a court to direct a juvenile or  
4 a defendant, under the supervision of the Division of Parole and Probation, the  
5 [Department of] Juvenile Services **ADMINISTRATION**, or any other unit or individual  
6 as directed by the court, to make restitution to the victim of a particular crime or to  
7 perform certain services for the victim as an alternative means of restitution:

8 (1) as a condition of probation;

9 (2) as a condition of suspended sentence; or

10 (3) instead of any fines and court costs imposed.

11 10–601.

12 (b) Another state may not begin construction or otherwise locate a facility in  
13 this State unless the other state submits a written request for approval to construct or  
14 locate the facility to and receives approval from:

15 (2) the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services, in  
16 the case of a facility for juveniles.

17 (c) (2) The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services may  
18 approve or disapprove a request for approval to construct or locate a facility for  
19 juveniles in this State.

20 (d) If another state has an existing facility in this State, the other state may  
21 not increase the inmate population of that facility by more than 5% unless the other  
22 state first submits a written request for the increase to and receives approval for the  
23 increase from:

24 (2) the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services, in  
25 the case of a facility for juveniles.

26 **Article – Courts and Judicial Proceedings**

27 3–815.

28 (f) (4) The Secretary of Human Resources, the [Secretary] **EXECUTIVE**  
29 **DIRECTOR** of Juvenile Services, the Secretary of Health and Mental Hygiene, the  
30 State Superintendent of Schools, and the Special Secretary for Children, Youth, and  
31 Families, when appropriate, shall jointly adopt regulations to ensure that any child  
32 placed in shelter care in accordance with a petition filed under this section is provided  
33 appropriate services, including:

- 1 (i) Health care services;
- 2 (ii) Mental health care services;
- 3 (iii) Counseling services;
- 4 (iv) Education services;
- 5 (v) Social work services;
- 6 (vi) Drug and alcohol abuse assessment or treatment services;
- 7 and
- 8 (vii) Visitation with siblings and biological family.

9 3-8A-01.

10 (h) (1) “Community detention” means a program monitored by the  
11 [Department of] Juvenile Services **ADMINISTRATION** in which a delinquent child or a  
12 child alleged to be delinquent is placed in the home of a parent, guardian, custodian,  
13 or other fit person, or in shelter care, as a condition of probation or as an alternative to  
14 detention.

15 3-8A-10.

16 (c) (4) (ii) The State’s Attorney shall make a preliminary review as to  
17 whether the court has jurisdiction and whether judicial action is in the best interests  
18 of the public or the child. The need for restitution may be considered as one factor in  
19 the public interest. After the preliminary review the State’s Attorney shall, within 30  
20 days of the receipt of the complaint by the State’s Attorney, unless the court extends  
21 the time:

- 22 1. File a petition or a peace order request or both;
- 23 2. Refer the complaint to the [Department of] Juvenile  
24 Services **ADMINISTRATION** for informal disposition; or
- 25 3. Dismiss the complaint.

26 (c-1) (4) The [Department of] Juvenile Services **ADMINISTRATION** and the  
27 Department of Health and Mental Hygiene:

28 (i) May not disclose to any person any information received by  
29 the [departments] **AGENCIES** relating to a specific mental health and substance abuse  
30 screening or assessment conducted under this section that could identify the child who  
31 was the subject of the screening or assessment; and

1 (ii) May make public other information unless prohibited by  
2 law.

3 (5) The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services and  
4 the Secretary of Health and Mental Hygiene jointly shall adopt any regulation  
5 necessary to carry out this subsection.

6 (i) (1) If authorization to file a petition for a complaint which alleges a  
7 child is in need of supervision or if authorization to file a peace order request is denied,  
8 the person or agency that filed the complaint or caused it to be filed, within 15 days of  
9 personal notice of the denial to that person or agency or the mailing to the last known  
10 address, may submit the denial for review by the [Department of] Juvenile Services  
11 **ADMINISTRATION** Area Director for the area in which the complaint was filed.

12 (2) The [Department of] Juvenile Services **ADMINISTRATION** Area  
13 Director shall review the denial.

14 (3) If, within 15 days, the [Department of] Juvenile Services  
15 **ADMINISTRATION** Area Director concludes that the court has jurisdiction and that  
16 judicial action is in the best interests of the public and the child, the [Department of]  
17 Juvenile Services **ADMINISTRATION** Area Director may authorize the filing of a  
18 petition in writing.

19 (4) The petition shall be filed within 5 days of the decision.

20 3-8A-10.1.

21 (b) The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services shall  
22 establish a [Department of] Juvenile Services **ADMINISTRATION** Child in Need of  
23 Supervision Pilot Program in:

24 (1) Baltimore City; and

25 (2) Baltimore County.

26 3-8A-11.

27 (b) The use of the form prescribed by subsection (a) of this section does not  
28 preclude the [Department of] Juvenile Services **ADMINISTRATION** from sending other  
29 information, in addition to this form, to explain the intake officer's decision and advise  
30 persons of their right to appeal the decision of the intake officer.

31 3-8A-15.

1 (e) (3) (i) If the court has not specifically prohibited community  
2 detention, the [Department of] Juvenile Services **ADMINISTRATION** may release the  
3 child from detention into community detention and place the child in:

- 4 1. Shelter care; or
- 5 2. The custody of the child's parent, guardian, custodian,  
6 or other person able to provide supervision and care for the child and to return the  
7 child to court when required.

8 (ii) If a child who has been released by the [Department of]  
9 Juvenile Services **ADMINISTRATION** or the court into community detention violates  
10 the conditions of community detention, and it is necessary to protect the child or  
11 others, an intake officer may authorize the detention of the child.

12 (iii) The [Department of] Juvenile Services **ADMINISTRATION**  
13 shall promptly notify the court of:

- 14 1. The release of a child from detention under  
15 subparagraph (i) of this paragraph; or
- 16 2. The return to detention of a child under subparagraph  
17 (ii) of this paragraph.

18 (h) (2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be  
19 in need of supervision may be placed in shelter care facilities maintained or approved  
20 by the Social Services Administration or the [Department of] Juvenile Services  
21 **ADMINISTRATION** or in a private home or shelter care facility approved by the court.

22 (3) The Secretary of Human Resources and the [Secretary]  
23 **EXECUTIVE DIRECTOR** of Juvenile Services together, when appropriate, with the  
24 Secretary of Health and Mental Hygiene shall jointly adopt regulations to ensure that  
25 any child placed in shelter care pursuant to a petition filed under subsection (d) of this  
26 section be provided appropriate services, including:

- 27 (i) Health care services;
- 28 (ii) Counseling services;
- 29 (iii) Education services;
- 30 (iv) Social work services; and
- 31 (v) Drug and alcohol abuse assessment or treatment services.

32 (4) In addition to any other provision, the regulations shall require:

1 (i) The [Department of] Juvenile Services **ADMINISTRATION**  
2 to develop a plan within 45 days of placement of a child in a shelter care facility to  
3 assess the child's treatment needs; and

4 (ii) The plan to be submitted to all parties to the petition and  
5 their counsel.

6 3-8A-17.

7 (a) After a petition or a citation has been filed with the court under this  
8 subtitle, the court may direct the [Department of] Juvenile Services  
9 **ADMINISTRATION** or another qualified agency to make a study concerning the child,  
10 the child's family, the child's environment, and other matters relevant to the  
11 disposition of the case.

12 3-8A-17.1.

13 (b) Any motion questioning the child's competency to proceed, and any  
14 subsequent legal pleading relating to the child's competency to proceed, shall be  
15 served on the child's counsel, the State's Attorney, the [Department of] Juvenile  
16 Services **ADMINISTRATION**, and the Department of Health and Mental Hygiene.

17 3-8A-17.3.

18 (c) (1) All reports required under this section shall be filed with the court  
19 and served on the child's counsel, the State's Attorney, and the [Department of]  
20 Juvenile Services **ADMINISTRATION** within 45 days after the court orders the  
21 examination.

22 3-8A-17.8.

23 (c) (2) Case management and supervision of the child shall be transferred  
24 to the [Department of] Juvenile Services **ADMINISTRATION** to continue proceedings  
25 under this subtitle.

26 3-8A-17.12.

27 The secretaries of Health and Mental [Hygiene,] **HYGIENE AND** Human  
28 Resources, [and] **THE EXECUTIVE DIRECTOR OF** Juvenile Services, and the State  
29 Superintendent of Schools shall jointly adopt regulations to carry out the provisions of  
30 this subtitle relating to competency.

31 3-8A-19.

32 (d) (1) In making a disposition on a petition under this subtitle, the court  
33 may:

1 (ii) Subject to the provisions of paragraph (2) of this subsection,  
2 commit the child to the custody or under the guardianship of the [Department of]  
3 Juvenile Services **ADMINISTRATION**, the Department of Health and Mental Hygiene,  
4 or a public or licensed private agency on terms that the court considers appropriate to  
5 meet the priorities set forth in § 3–8A–02 of this subtitle, including designation of the  
6 type of facility where the child is to be accommodated, until custody or guardianship is  
7 terminated with approval of the court or as required under § 3–8A–24 of this subtitle;

8 (3) A child committed under paragraph (1)(ii) of this subsection may  
9 not be accommodated in a facility that has reached budgeted capacity if a bed is  
10 available in another comparable facility in the State, unless the placement to the  
11 facility that has reached budgeted capacity has been recommended by the  
12 [Department of] Juvenile Services **ADMINISTRATION**.

13 (5) (i) If the court finds that a child is in need of supervision and  
14 commits the child to the custody or under the guardianship of the [Department of]  
15 Juvenile Services **ADMINISTRATION**, the court may notify the county superintendent,  
16 the supervisor of pupil personnel, or any other official designated by the county  
17 superintendent of the fact that the child has been found to be in need of supervision  
18 and has been committed to the custody or under the guardianship of the [Department  
19 of] Juvenile Services **ADMINISTRATION**.

20 3–8A–20.1.

21 (a) (1) In this section, “treatment service plan” means a plan  
22 recommended at a disposition hearing under § 3–8A–19 of this subtitle or at a  
23 disposition review hearing under this section by the [Department of] Juvenile Services  
24 **ADMINISTRATION** to the court proposing specific assistance, guidance, treatment, or  
25 rehabilitation of a child.

26 (b) (1) In making a disposition on a petition under § 3–8A–19 of this  
27 subtitle, if the court adopts a treatment service plan, the [Department of] Juvenile  
28 Services **ADMINISTRATION** shall ensure that implementation of the treatment service  
29 plan occurs within 25 days after the date of disposition.

30 (2) If a treatment service plan requires specified supervision,  
31 mentoring, mediation, monitoring, or placement, implementation of the treatment  
32 service plan is considered to have occurred when the supervision, mentoring,  
33 mediation, monitoring, or placement occurs.

34 (3) The [Department of] Juvenile Services **ADMINISTRATION** shall  
35 certify in writing to the court within 25 days after the date of disposition whether  
36 implementation of the treatment service plan has occurred.

37 (c) (1) If a treatment service plan is not implemented by the [Department  
38 of] Juvenile Services **ADMINISTRATION** within 25 days under subsection (b)(3) of this

1 section, the court shall schedule, within 7 days after receipt of the certification, a  
2 disposition review hearing to be held within 30 days after receipt of the certification.

3 (2) The court shall give at least 7 days' notice of the date and time of  
4 the disposition review hearing to each party and to the [Department of] Juvenile  
5 Services **ADMINISTRATION**.

6 (d) (1) The court shall hold a disposition review hearing unless the  
7 [Department of] Juvenile Services **ADMINISTRATION** certifies in writing to the court  
8 prior to the hearing that implementation of the treatment service plan has occurred.

### 9 Article – Criminal Procedure

10 10–201.

11 (f) (3) Except as provided in §§ 10–215(a)(21) and (22), 10–216(d), and  
12 10–220 of this subtitle, “criminal justice unit” does not include:

13 (i) the [Department of] Juvenile Services **ADMINISTRATION**;  
14 or

15 (ii) a juvenile court.

16 10–208.

17 (a) The Advisory Board consists of the following 25 members:

18 (14) one representative of the [Department of] Juvenile Services  
19 **ADMINISTRATION** recommended by the [Secretary] **EXECUTIVE DIRECTOR** of  
20 Juvenile Services;

21 10–220.

22 (c) For juveniles arrested and brought to the Baltimore City Juvenile Justice  
23 Center for intake processing, identification, and assessment, the [Department of]  
24 Juvenile Services **ADMINISTRATION** may:

25 (1) submit fingerprints to the Criminal Justice Information System  
26 Central Repository; and

27 (2) obtain juvenile data described under § 9–229 of the Human  
28 Services Article.

29 11–113.

30 (c) The following shall notify a victim of prohibited exposure or the victim's  
31 representative of the provisions of Part II of this subtitle:

1           (3)    on the filing of a charging document or delinquency petition for the  
2 alleged prohibited exposure:

3                   (ix)   the [Department of] Juvenile Services **ADMINISTRATION**;  
4 or

5 11-402.

6           (a)    A presentence investigation that the Division of Parole and Probation  
7 completes under § 6-112 of the Correctional Services Article or a predisposition  
8 investigation that the [Department of] Juvenile Services **ADMINISTRATION**  
9 completes shall include a victim impact statement if:

10                   (1)   the defendant or child respondent caused physical, psychological,  
11 or economic injury to the victim in committing a felony or delinquent act that would be  
12 a felony if committed by an adult; or

13                   (2)   the defendant caused serious physical injury or death to the victim  
14 in committing a misdemeanor.

15 11-507.

16           The Department or the [Department of] Juvenile Services **ADMINISTRATION**  
17 shall notify the victim or victim's representative of an alleged violation of a condition  
18 of probation whenever:

19                   (1)   a warrant, subpoena, or writ of attachment is issued for the alleged  
20 violation for a person who was convicted of a violent crime or who was adjudged to  
21 have committed a delinquent act that would be a violent crime if committed by an  
22 adult; and

23                   (2)   a victim of the crime or delinquent act or a victim's representative  
24 has submitted a written request to the Department for notification or has submitted a  
25 notification request form under § 11-104 of this title.

26 11-607.

27           (a)    (2)   Subject to federal law, the Department or the [Department of]  
28 Juvenile Services **ADMINISTRATION** shall obtain the Social Security number of the  
29 restitution obligor to facilitate the collection of restitution.

30           (b)    (1)   The restitution obligor shall make restitution to the Division or the  
31 [Department of] Juvenile Services **ADMINISTRATION** under the terms and conditions  
32 of the judgment of restitution.

1           (2) The Division or the [Department of] Juvenile Services  
2 **ADMINISTRATION:**

3           (i) shall keep records of payments or return of property in  
4 satisfaction of the judgment of restitution;

5           (ii) shall forward property or payments in accordance with the  
6 judgment of restitution and Part I of this subtitle to the person or governmental unit  
7 specified in the judgment of restitution; and

8           (iii) may require the restitution obligor to pay additional fees not  
9 exceeding 2% of the amount of the judgment of restitution to pay for the  
10 administrative costs of collecting payments or property.

11           (c) (1) Whenever an obligor's restitution payment, as ordered by the court  
12 or established by the Division, is overdue, the Division or the [Department of]  
13 Juvenile Services **ADMINISTRATION** shall:

14           (i) notify the court; and

15           (ii) if an earnings withholding order is not in effect and the  
16 restitution obligor is employed, request an earnings withholding order.

17 11-616.

18           (a) The Division or the [Department of] Juvenile Services  
19 **ADMINISTRATION:**

20           (1) in addition to other actions authorized under Part I of this subtitle,  
21 may refer an overdue restitution account for collection to the Central Collection Unit;  
22 and

23           (2) if probation or other supervision is terminated and restitution is  
24 still owed, shall refer the overdue restitution account for collection to the Central  
25 Collection Unit.

26           (c) (1) The Central Collection Unit may not compromise and settle a  
27 judgment of restitution unless:

28           (i) the Division or the [Department of] Juvenile Services  
29 **ADMINISTRATION** obtains the consent of the victim; or

30           (ii) the court orders otherwise because a victim cannot be  
31 located.

1           (2) The Division or the [Department of] Juvenile Services  
2 **ADMINISTRATION** shall contact the victim to determine whether the victim consents  
3 to compromise and settle a judgment of restitution.

4           (d) If complete restitution and interest have been paid or a judgment of  
5 restitution has been compromised and settled as provided in subsection (c) of this  
6 section, the Division, the [Department of] Juvenile Services **ADMINISTRATION**, or the  
7 Central Collection Unit immediately shall notify:

8           (1) the court that issued the judgment by filing the statement as  
9 provided under § 11–608(c) of this subtitle that the judgment has been satisfied; and

10           (2) the last known employer of a restitution obligor to terminate an  
11 earnings withholding order issued under § 11–617 of this subtitle.

12           (e) (1) Restitution is overdue if the restitution or a restitution payment is  
13 not paid:

14                   (i) by the date that the court orders; or

15                   (ii) if no date is ordered, by the later of:

16                           1. the date the Division or the [Department of] Juvenile  
17 Services **ADMINISTRATION** directs the restitution obligor to pay restitution or make a  
18 restitution payment; or

19                           2. 30 days after the court enters a judgment of  
20 restitution.

21 11–617.

22           (c) (3) A restitution obligor immediately shall notify the court, the  
23 Central Collection Unit, and the Division or [Department of] Juvenile Services  
24 **ADMINISTRATION** of:

25                   (i) any objection to an earnings withholding order;

26                   (ii) the current home address of the restitution obligor;

27                   (iii) the name of the employer;

28                   (iv) the work address of the restitution obligor; and

29                   (v) any change of employer, home address, or work address of  
30 the restitution obligor.

1 (4) An employer who is served with an earnings withholding order  
2 under this section immediately shall notify the court, the Central Collection Unit, and  
3 the Division or [Department of] Juvenile Services **ADMINISTRATION** of:

4 (i) any justification for the employer's inability to comply with  
5 the earnings withholding order;

6 (ii) the home address of the restitution obligor on the  
7 termination of employment;

8 (iii) information regarding the new place of employment of the  
9 restitution obligor; or

10 (iv) the employer's reemployment of the restitution obligor.

11 (5) Unless the information has been provided to the court, the  
12 Division, [Department of] Juvenile Services **ADMINISTRATION**, or the Central  
13 Collection Unit shall notify the court of a current or subsequent home address of the  
14 restitution obligor and the employer and work address of the restitution obligor.

15 (d) (2) Each amount withheld in an earnings withholding order under this  
16 section is payable to the Division, [Department of] Juvenile Services  
17 **ADMINISTRATION**, or Central Collection Unit.

18 11-701.

19 (m) "Supervising authority" means:

20 (13) the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services, if  
21 the registrant was a minor at the time the act was committed for which registration is  
22 required.

23 11-704.

24 (c) (1) A person described under § 11-701(c)(5)(i) of this subtitle, or a  
25 person described under § 11-701(j)(3)(i) of this subtitle, shall register with the person's  
26 supervising authority if:

27 (ii) the State's Attorney or the [Department of] Juvenile  
28 Services **ADMINISTRATION** requests that the person be required to register;

29 (2) If the person has committed a delinquent act that would cause the  
30 court to make a determination regarding registration under paragraph (1) of this  
31 subsection:

32 (ii) the [Department of] Juvenile Services **ADMINISTRATION**  
33 shall:



1 (viii) One from the [Department of] Juvenile Services  
2 **ADMINISTRATION;**

3 6–302.

4 (a) An individual who is employed as a teacher, librarian, principal, director  
5 of education, or supervisor of vocational education on the staffs of the following  
6 institutions or in the following programs, or an individual who is employed as a  
7 central office director, superintendent, specialist, or coordinator of education for the  
8 following institutions or programs, shall be paid the annual salary determined under  
9 subsection (b) of this section:

10 (1) Any institution that is under the jurisdiction of:

11 (i) The [Department of] Juvenile Services **ADMINISTRATION;**  
12 or

13 6–303.

14 (b) (1) The Advisory Committee shall consist of:

15 (i) Five employee educators whose positions are included in the  
16 Institutional Educator Pay Plan established under § 6–302 of this subtitle from each of  
17 the following units:

18 3. The [Department of] Juvenile Services  
19 **ADMINISTRATION;**

20 7–302.

21 (b) On receipt of a report from a principal or head teacher of a public school  
22 that a student has been habitually truant without lawful excuse, the appropriate  
23 representative of the school system:

24 (3) Following the investigation or intervention:

25 (i) May notify the [Department of] Juvenile Services  
26 **ADMINISTRATION** that the student has been habitually truant, without lawful  
27 excuse;

28 (ii) Shall notify the appropriate local department that the  
29 student has been habitually truant, without lawful excuse, if a court has given the  
30 notice authorized by § 3–819(b–1) of the Courts Article; and

31 (iii) Shall notify the [Department of] Juvenile Services  
32 **ADMINISTRATION** that the student has been habitually truant, without lawful

1 excuse, if a court has given the notice authorized by § 3-8A-19(d)(5) of the Courts  
2 Article.

3 7-305.

4 (h) (1) This subsection does not apply if the student is referred to the  
5 [Department of] Juvenile Services **ADMINISTRATION**.

6 7-309.

7 (a) (1) In this section, “residential child care program” means a program  
8 that:

9 (i) Provides care for children 24 hours a day within a  
10 structured set of services and activities designed to achieve objectives related to the  
11 needs of the children served; and

12 (ii) Is licensed by the Department of Health and Mental  
13 Hygiene, the Department of Human Resources, or the [Department of] Juvenile  
14 Services **ADMINISTRATION**.

15 7-4A-03.

16 (a) The Council consists of the following 25 members:

17 (4) The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services or  
18 the [Secretary’s] **EXECUTIVE DIRECTOR’S** designee;

19 7-1203.

20 (b) The Advisory Board shall consist of the following individuals:

21 (5) The Secretaries of Health and Mental [Hygiene, Juvenile  
22 Services,] **HYGIENE** and Human Resources **AND THE EXECUTIVE DIRECTOR OF**  
23 **JUVENILE SERVICES** or their designees;

24 (c) (2) The Executive Committee consists of the following individuals:

25 (iv) The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile  
26 Services or the [Secretary’s] **EXECUTIVE DIRECTOR’S** designee;

27 8-412.

28 (a) (7) “Public agency” includes the State Department of Education, local  
29 education agencies, and other agencies that are responsible for providing education to  
30 a child with a disability, including the Department of Health and Mental Hygiene,  
31 Mental Hygiene Administration, the Developmental Disabilities Administration, the

1 [Department of] Juvenile Services **ADMINISTRATION**, and the Maryland School for  
2 the Deaf. For the purpose of this section the Maryland School for the Blind shall be  
3 considered a public agency.

4 8–417.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Nonpublic general education school” means a nonpublic school  
7 approved under COMAR 13A.09.10 pursuant to § 2–206 of this article and operated in  
8 conjunction with residential or nonresidential child care programs licensed or  
9 approved by the Department, the Department of Health and Mental Hygiene, the  
10 Department of Human Resources, or the [Department of] Juvenile Services  
11 **ADMINISTRATION**.

12 (3) “Nonresidential child care program” means a program that:

13 (i) Provides services for children in a nonresidential setting,  
14 designed to achieve objectives related to the needs of children at risk of out-of-home  
15 placement; and

16 (ii) Is licensed or approved by the Department of Health and  
17 Mental Hygiene, the Department of Human Resources, or the [Department of]  
18 Juvenile Services **ADMINISTRATION**.

19 (4) “Residential child care program” means a program that:

20 (i) Provides care for children 24 hours a day within a  
21 structured set of services and activities designed to achieve objectives related to the  
22 needs of the children served; and

23 (ii) Is licensed by the Department of Health and Mental  
24 Hygiene, the Department of Human Resources, or the [Department of] Juvenile  
25 Services **ADMINISTRATION**.

26 (b) (1) The Department of Education, as the fiscal agent of the Children’s  
27 Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer  
28 and implement a redesigned rate setting process for nonpublic general education  
29 schools, residential child care programs, and nonresidential child care programs.

30 (2) The Department of Human Resources, the [Department of]  
31 Juvenile Services **ADMINISTRATION**, the Department of Budget and Management,  
32 the Department of Health and Mental Hygiene, and the Governor’s Office for Children  
33 shall participate with the Department in the development and implementation of rates  
34 in programs licensed or approved by those agencies to the extent required by federal  
35 and State law.

1 8–501.

2 (e) “Placement agency” means:

3 (3) The [Department of] Juvenile Services **ADMINISTRATION**; or

4 18–1803.

5 (b) A grant recipient shall use the grant in an apprenticeship training  
6 program that is:

7 (3) A youth apprenticeship program approved by the [Secretary]  
8 **EXECUTIVE DIRECTOR** of Juvenile Services that involves clients of the [Department  
9 of] Juvenile Services **ADMINISTRATION**.

10 18–2101.

11 (b) “Community–based program” means:

12 (2) Any residential child care program licensed by the Department of  
13 Human Resources or the [Department of] Juvenile Services **ADMINISTRATION**; or

14 (d) “Direct service employee” means:

15 (2) (i) An employee of a community–based program who provides  
16 direct care and supervision of children who are in the custody of a local department of  
17 social services or the [Department of] Juvenile Services **ADMINISTRATION**; or

18 (ii) A first–line supervisor of employees who provide direct care  
19 and supervision of children who are in the custody of a local department of social  
20 services or the [Department of] Juvenile Services **ADMINISTRATION**; or

21 22–301.

22 (a) In this title the following words have the meanings indicated.

23 (b) “Council” means the Education Coordinating Council for Juvenile  
24 Services Educational Programs.

25 (c) “Director” means the Director of Juvenile Services Educational Programs.

26 **(D) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF**  
27 **JUVENILE SERVICES.**

28 **[(d)] (E)** “Facility” means a building or buildings and related physical  
29 infrastructure at a geographically distinct location at which the [Department of]  
30 Juvenile Services **ADMINISTRATION** operates a program.

1            [(e)] (F)        “Program” means a discrete and defined grouping of services  
2 provided to youths in the custody of or under the supervision of the [Department of]  
3 Juvenile Services **ADMINISTRATION** to address predetermined needs.

4            [(f)] (G)        “Residential facility” means a facility established under § 9–226 of  
5 the Human Services Article.

6            [(g)]        “Secretary” means the Secretary of Juvenile Services.]

7            (h)        “State Board” means the State Board of Education.

8            (i)        “State Superintendent” means the State Superintendent of Schools.

9        22–303.

10            (a)        (1)        The Department shall develop and implement juvenile services  
11 educational programs at all residential facilities of the [Department of] Juvenile  
12 Services **ADMINISTRATION** by July 1, 2014.

13        22–304.

14            (a)        The State Superintendent, in consultation with the [Secretary]  
15 **EXECUTIVE DIRECTOR**, shall appoint a director.

16            (c)        The Director shall:

17                    (5)        Consult with the [Secretary] **EXECUTIVE DIRECTOR** and senior  
18 administrator of each residential facility about the operation of educational services  
19 for the program.

20        22–305.

21            (b)        (3)        The following officials shall serve as ex officio members of the  
22 Council:

23                    (iii)        The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile  
24 Services;

25        22–306.

26            (d)        (1)        (i)        The Council shall actively advocate and promote the  
27 interests of educational programs and opportunities in programs of the [Department  
28 of] Juvenile Services **ADMINISTRATION**.



1 (b) This section does not apply:

2 (3) to an institution that accepts only children placed by the  
3 Department of Health and Mental Hygiene or the [Department of] Juvenile Services  
4 **ADMINISTRATION**.

5 5-527.

6 (c) The Department shall pay for foster care for a child who needs the most  
7 demanding special care in a single family home at a monthly rate that is not less than  
8 the higher of:

9 (1) the rate that the Department paid in fiscal year 1975; and

10 (2) the rate that the [Department of] Juvenile Services  
11 **ADMINISTRATION** pays for the current fiscal year.

12 5-560.

13 (d) (3) "Employee" does not include any person employed to work for  
14 compensation by the [Department of] Juvenile Services **ADMINISTRATION**.

15 5-7A-02.

16 (a) The Council consists of up to 23 members including:

17 (6) a representative of the [Department of] Juvenile Services  
18 **ADMINISTRATION**, designated by the [Secretary] **EXECUTIVE DIRECTOR**;

19 9-403.

20 (c) (2) The advisory council shall consist of the following members:

21 (i) 1 person from the [Department of] Juvenile Services  
22 **ADMINISTRATION**, to be designated by the [Secretary] **EXECUTIVE DIRECTOR** of  
23 Juvenile Services;

## 24 **Article - Health - General**

25 2-104.

26 (b) (2) (i) The Secretary shall adopt regulations, in consultation and  
27 cooperation with local governing bodies, to govern the siting of community residences  
28 for special populations funded by the Department, the Department of Housing and  
29 Community Development, the Department of Human Resources, and the [Department  
30 of] Juvenile Services **ADMINISTRATION**.

1 5–703.

2 (a) The State Team shall be a multidisciplinary and multiagency review  
3 team, composed of at least 25 members, including:

4 (6) The [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services;

5 8–1001.

6 (c) Except as provided in subsection (b) of this section, a local drug and  
7 alcohol abuse council shall consist of the following individuals:

8 (3) The Regional Director of the [Department of] Juvenile Services  
9 **ADMINISTRATION**, or the Director’s designee;

10 10–309.

11 (a) (1) The mental health advisory committee of each county shall consist  
12 of:

13 (ii) As voting members, appointed by the governing body of the  
14 county and representative of the county’s major socio–economic and ethnic groups:

15 1. At least 5, but not more than 7, representatives  
16 selected from among the following groups or agencies:

17 K. The [Department of] Juvenile Services  
18 **ADMINISTRATION**;

19 10–514.

20 (d) (2) “Private group home” does not include:

21 (ii) Any facility that is regulated by the [Department of]  
22 Juvenile Services **ADMINISTRATION**;

23 10–923.

24 (a) Application for placement of a child or adolescent in a private therapeutic  
25 group home may be made under this section by:

26 (6) On behalf of a child or adolescent, the [Department of] Juvenile  
27 Services **ADMINISTRATION** when the Department has custody or guardianship of the  
28 child or adolescent under § 3–819 of the Courts Article; or

29 15–139.

1 (e) (1) Nothing in this section is intended to result in the reduction of  
2 federal funds available to the Department of Human Resources or the [Department of]  
3 Juvenile Services **ADMINISTRATION** under Title IV–E of the Social Security Act for  
4 the room and board costs of eligible residential care.

5 (2) If, as a result of actions taken under this section, the federal  
6 matching funds available to the Department of Human Resources and the  
7 [Department of] Juvenile Services **ADMINISTRATION** under Title IV–E of the Social  
8 Security Act are reduced because the percentage of residential care costs allocated to  
9 Title IV–E is reduced, the Governor shall adjust the amount of funds provided under  
10 subsection (c) of this section to prevent any resulting loss to the Department of Human  
11 Resources and the [Department of] Juvenile Services **ADMINISTRATION**.

12 (3) The adjustment of funds under paragraph (2) of this subsection  
13 shall be based on determining the amount of Title IV–E reimbursement that would  
14 have been received by the Department of Human Resources and the [Department of]  
15 Juvenile Services **ADMINISTRATION** prior to October 1, 2003 using the current  
16 percentage of residential care costs that is allocated to Title IV–E.

17 16–206.

18 (b) The [Department of] Juvenile Services **ADMINISTRATION** shall pay for  
19 juvenile screening and treatment services that any person other than the Department  
20 provides under § 9–227(b)(1)(ii) of the Human Services Article. However, the  
21 Department later shall bill and collect this cost of care as provided in this subtitle.

22 18–4A–03.

23 (a) Subject to the provisions of this section, the following individuals, not in  
24 order of priority, may consent to the immunization of a minor if a parent is not  
25 reasonably available and the authority to consent is not denied under subsection (b) or  
26 (c) of this section:

27 (8) For minors in its care and custody, the [Department of] Juvenile  
28 Services **ADMINISTRATION**.

29 (c) When a parent has been contacted and requested to consent to the  
30 immunization of a minor, the [Department of] Juvenile Services **ADMINISTRATION**  
31 may consent to the immunization of a minor in its care and custody if the parent:

32 (1) Has not acted on the request; and

33 (2) Has not expressly denied to the [Department of] Juvenile Services  
34 **ADMINISTRATION** the authority to consent to the immunization of the minor.

35 24–804.

1 (b) The oversight committee shall consist of:

2 (4) Two representatives from the Department of Health and Mental  
3 Hygiene, the [Department of] Juvenile Services **ADMINISTRATION**, or the  
4 Department of Education, nominated by the Secretary of Health and Mental Hygiene;

5 **Article – Health Occupations**

6 4–308.

7 (h) (3) (i) While it is effective, a general license to practice dental  
8 hygiene issued under this title authorizes the licensee to practice dental hygiene under  
9 general supervision in:

10 4. A facility owned and operated by the [Department of]  
11 Juvenile Services **ADMINISTRATION**;

12 20–101.

13 (b) (1) “Agency” means:

14 (iv) The [Department of] Juvenile Services **ADMINISTRATION**;  
15 and

16 (i) (2) “Residential child care program” includes a program:

17 (i) Licensed by:

18 3. The [Department of] Juvenile Services  
19 **ADMINISTRATION**; and

20 20–202.

21 (a) (2) Of the 12 Board members:

22 (i) Six members shall be appointed as follows:

23 2. One by the [Secretary] **EXECUTIVE DIRECTOR** of  
24 Juvenile Services for the agency;

25 **Article – Human Services**

26 1–212.

27 (b) (2) If the person in interest is not reasonably available to give written  
28 consent, the following persons, not listed in order of priority, may consent in writing to  
29 the release of information or records regarding a minor:

1 (iii) the Department of Health and Mental Hygiene, the  
2 [Department of] Juvenile Services **ADMINISTRATION**, or a local department of social  
3 services, that has the care and custody of a minor.

4 4–205.

5 (c) The Administration shall supervise all public and private institutions  
6 that have care, custody, or control of abused, abandoned, dependent, or neglected  
7 children, except:

8 (1) institutions under the authority of the [Department of] Juvenile  
9 Services **ADMINISTRATION**; and

10 (2) agencies, persons, or institutions designated by the [Department  
11 of] Juvenile Services **ADMINISTRATION** under § 9–217 of this article.

12 8–101.

13 (m) (2) “Residential child care program” includes a program:

14 (i) licensed by:

15 3. the [Department of] Juvenile Services  
16 **ADMINISTRATION**; and

17 8–302.

18 A local management board may be composed of:

19 (2) a senior representative or department head of the:

20 (ii) local office of the [Department of] Juvenile Services  
21 **ADMINISTRATION**;

22 8–402.

23 The Council consists of the following members:

24 (4) the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services, or  
25 the [Secretary’s] **EXECUTIVE DIRECTOR’S** designee;

26 8–406.

27 (a) Each local coordinating council shall include:

28 (1) at least one representative from:

1 (i) the [Department of] Juvenile Services **ADMINISTRATION**;  
2 8-701.

3 (b) “Agency” means:

4 (3) the [Department of] Juvenile Services **ADMINISTRATION**.  
5 8-703.1.

6 (a) (2) “Licensing agency” means:

7 (ii) the [Department of] Juvenile Services **ADMINISTRATION**.  
8 8-709.

9 In this part, “licensing agency”:

10 (2) includes the Department of Health and Mental Hygiene, the  
11 Department of Human Resources, and the [Department of] Juvenile Services  
12 **ADMINISTRATION**.

13 8-801.

14 In this subtitle, “licensing agency”:

15 (2) includes the Department of Health and Mental Hygiene, the  
16 Department of Human Resources, and the [Department of] Juvenile Services  
17 **ADMINISTRATION**.

18 8-1001.

19 (b) (2) “Cooperating department” includes:

20 (i) the [Department of] Juvenile Services **ADMINISTRATION**;  
21 and

22 8-1002.

23 Except for provisions relating to direct care staff under § 8-1003 of this subtitle,  
24 this subtitle does not apply to:

25 (2) a detention center or shelter care facility operated by or under  
26 contract with the [Department of] Juvenile Services **ADMINISTRATION**.

27 9-101.

1 (a) In this title the following words have the meanings indicated.

2 (b) “[Department] **ADMINISTRATION**” means the [Department of] Juvenile  
3 Services **ADMINISTRATION**.

4 (c) [“Secretary” means the Secretary of Juvenile Services.] **“EXECUTIVE**  
5 **DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF JUVENILE SERVICES.**

6 (d) “State Advisory Board” means the State Advisory Board for Juvenile  
7 Services.

8 Subtitle 2. [Department of] Juvenile Services **ADMINISTRATION**.

9 Part I. Organization and Administration of [Department] **ADMINISTRATION**.

10 9–201.

11 There is a [Department of] Juvenile Services **ADMINISTRATION** [established  
12 as a principal department of State government] **IN THE DEPARTMENT OF HUMAN**  
13 **RESOURCES**.

14 [9–202.

15 (a) (1) With the advice and consent of the Senate, the Governor shall  
16 appoint the Secretary of Juvenile Services.

17 (2) The Secretary is the head of the Department.

18 (b) Before taking office, the appointee shall take the oath required by Article  
19 I, § 9 of the Maryland Constitution.

20 (c) (1) The Secretary serves at the pleasure of the Governor and is  
21 responsible directly to the Governor.

22 (2) The Secretary shall advise the Governor on all matters assigned to  
23 the Department and is responsible for carrying out the Governor’s policies on those  
24 matters.

25 (d) The Secretary is entitled to the compensation provided in the State  
26 budget.

27 (e) The Secretary shall have a seal.]

28 **9–202.**

1           **THE ADMINISTRATION EXERCISES ITS AUTHORITY, DUTIES, AND**  
2 **FUNCTIONS UNDER ANY STATE LAW SUBJECT TO THE AUTHORITY OF THE**  
3 **SECRETARY OF HUMAN RESOURCES UNDER ANY STATE LAW.**

4 9–203.

5           (a) [The Secretary is responsible for the operation of the Department and  
6 shall establish guidelines and procedures to promote the orderly and efficient  
7 administration of the Department.] **THE EXECUTIVE DIRECTOR IS THE HEAD OF**  
8 **THE ADMINISTRATION.**

9           **(B) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY OF**  
10 **HUMAN RESOURCES SHALL APPOINT THE EXECUTIVE DIRECTOR.**

11           **(C) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE**  
12 **SECRETARY OF HUMAN RESOURCES.**

13           **(D) THE EXECUTIVE DIRECTOR IS ENTITLED TO THE COMPENSATION**  
14 **PROVIDED IN THE STATE BUDGET.**

15           **[(b) (E) The [Secretary] EXECUTIVE DIRECTOR may establish,**  
16 **reorganize, or abolish areas of responsibility in the [Department] ADMINISTRATION**  
17 **as necessary to fulfill the duties assigned to the [Secretary] EXECUTIVE DIRECTOR.**

18 9–204.

19           (a) The [Secretary] **EXECUTIVE DIRECTOR** shall carry out and enforce this  
20 title, the regulations of the [Department] **ADMINISTRATION**, and any other provision  
21 of law that relates to the [Secretary] **EXECUTIVE DIRECTOR** or the [Department]  
22 **ADMINISTRATION.**

23           (b) (1) The [Secretary] **EXECUTIVE DIRECTOR** may adopt regulations to  
24 carry out the provisions of law that are within the jurisdiction of the [Secretary]  
25 **EXECUTIVE DIRECTOR.**

26           (2) The [Secretary] **EXECUTIVE DIRECTOR** shall review and may  
27 revise the regulations of:

28                   (i) each unit in the [Department] **ADMINISTRATION** that is  
29 authorized by law to adopt regulations; and

30                   (ii) the [Department] **ADMINISTRATION.**

31           (c) [The Secretary is responsible for the budget of the Department and for  
32 the budget of each unit in the Department.] **THE EXECUTIVE DIRECTOR SHALL**

1 **SUBMIT BUDGET ESTIMATES FOR THE ADMINISTRATION TO THE SECRETARY OF**  
2 **HUMAN RESOURCES.**

3 (d) The [Secretary] **EXECUTIVE DIRECTOR** may create any advisory  
4 council that the [Secretary] **EXECUTIVE DIRECTOR** considers necessary and assign  
5 appropriate functions to it.

6 (e) (1) The [Secretary] **EXECUTIVE DIRECTOR** is responsible for the  
7 coordination and direction of all planning that the office of the [Secretary]  
8 **EXECUTIVE DIRECTOR** initiates.

9 (2) The [Secretary] **EXECUTIVE DIRECTOR** shall keep fully apprised  
10 of plans, proposals, and projects of each unit in the [Department] **ADMINISTRATION**  
11 and, except as expressly provided otherwise, may approve, disapprove, or modify any  
12 of them.

13 (f) (1) The [Secretary] **EXECUTIVE DIRECTOR** shall develop a State  
14 Comprehensive Juvenile Services 3–Year Plan.

15 (2) The Plan shall:

16 (i) include an inventory of all in–day treatment programs and  
17 residential care programs and an accounting of the residence of all clients;

18 (ii) include an inventory of nonresidential treatment programs;

19 (iii) specify the needs of the various areas of services for clients,  
20 including alcohol and drug abuse rehabilitation services;

21 (iv) specify the needs of clients, including predelinquent  
22 diversion services programs;

23 (v) establish priorities for the different services needed;

24 (vi) set standards for the quality of residential services and  
25 outreach services;

26 (vii) include a program dedicated to reducing recidivism rates of  
27 clients;

28 (viii) include programs dedicated to diverting children from the  
29 juvenile justice system; and

30 (ix) include any other matters that the [Secretary] **EXECUTIVE**  
31 **DIRECTOR** considers appropriate.

1           (3) The Plan shall be revised for each fiscal year and submitted,  
2 subject to § 2-1246 of the State Government Article, to the General Assembly by  
3 February 1 of each year.

4           (g) (1) The [Secretary] **EXECUTIVE DIRECTOR** is responsible for the  
5 development, implementation, and maintenance of a comprehensive client information  
6 system, including an individual current record on each child, that is integrated in and  
7 accessible to the various units of the [Department] **ADMINISTRATION**.

8           (2) The [Secretary] **EXECUTIVE DIRECTOR** shall undertake efforts to  
9 link the system to the Department of Health and Mental Hygiene and the Department  
10 of Human Resources for the purpose of allowing the exchange of information on clients  
11 served by each department.

12           (3) Each employee using the information shall protect the  
13 confidentiality of client records.

14           (h) (1) Except as otherwise expressly provided by law, the [Secretary]  
15 **EXECUTIVE DIRECTOR** may transfer, by regulation or written directive, any  
16 function, staff, or funds from any unit in the [Department] **ADMINISTRATION** to the  
17 office of the [Secretary] **EXECUTIVE DIRECTOR** or another unit in the [Department]  
18 **ADMINISTRATION**.

19           (2) Any staff transferred to the office of the [Secretary] **EXECUTIVE**  
20 **DIRECTOR** shall be provided space, equipment, and services by the unit from which  
21 the staff was transferred, unless the [Secretary] **EXECUTIVE DIRECTOR** orders  
22 removal to another location for the proper and efficient functioning of that office.

23 9-205.

24           Each unit in the [Department] **ADMINISTRATION** shall report to the  
25 [Secretary] **EXECUTIVE DIRECTOR** as provided in the regulations or written  
26 directives that the [Secretary] **EXECUTIVE DIRECTOR** adopts.

27 9-206.

28           (a) With the approval of the Governor, the [Secretary] **EXECUTIVE**  
29 **DIRECTOR** may appoint two deputy [secretaries] **DIRECTORS** as necessary.

30           (b) The deputy [secretaries] **DIRECTORS**:

31           (1) serve at the pleasure of the [Secretary] **EXECUTIVE DIRECTOR**;  
32 and

33           (2) are entitled to the compensation provided in the State budget.

1 (c) The deputy [secretaries] **DIRECTORS** have the duties provided by law or  
2 delegated by the [Secretary] **EXECUTIVE DIRECTOR**.

3 (d) The [Secretary] **EXECUTIVE DIRECTOR** shall designate a deputy  
4 [Secretary] **DIRECTOR** to be the Acting [Secretary] **EXECUTIVE DIRECTOR** when  
5 the [Secretary] **EXECUTIVE DIRECTOR** is absent from the State or otherwise  
6 unavailable.

7 9–207.

8 (a) In accordance with the State budget, the [Secretary] **EXECUTIVE**  
9 **DIRECTOR** may employ a staff and retain consultants.

10 (b) (1) (i) The [Secretary] **EXECUTIVE DIRECTOR** shall appoint:

11 1. any assistant [Secretary] **DIRECTOR**;

12 2. any director of an institution;

13 3. the superintendent of the youth centers; and

14 4. the managing director, deputy director, and director  
15 of detention at the Baltimore City Juvenile Justice Center.

16 (ii) An employee of the [Department] **ADMINISTRATION**  
17 specified in subparagraph (i) of this paragraph:

18 1. is in the executive service or management service of  
19 the State Personnel Management System; and

20 2. serves at the pleasure of the [Secretary] **EXECUTIVE**  
21 **DIRECTOR**.

22 (2) Each teacher who does not hold a certificate under Title 6, Subtitle  
23 1 of the Education Article, principal, director of education, and supervisor of vocational  
24 education who is employed by an institution managed by the [Department]  
25 **ADMINISTRATION** is in the management service of, or is a special appointment in,  
26 the State Personnel Management System.

27 (3) Unless otherwise provided by law, the [Secretary] **EXECUTIVE**  
28 **DIRECTOR** shall appoint and remove all staff in accordance with the State Personnel  
29 and Pensions Article.

30 (c) (1) Unless the [Secretary] **EXECUTIVE DIRECTOR** grants express  
31 permission, an employee of the [Department] **ADMINISTRATION** who is subject to

1 subsection (b)(1) of this section may not engage in other employment while employed  
2 by the [Department] **ADMINISTRATION**.

3 (2) The [Secretary] **EXECUTIVE DIRECTOR** may not unreasonably  
4 withhold express permission to engage in other employment.

5 (3) If the [Secretary] **EXECUTIVE DIRECTOR** grants permission to  
6 engage in other employment, the employee shall disclose to the [Secretary]  
7 **EXECUTIVE DIRECTOR** the source and amount of all income earned from that other  
8 employment.

9 (d) (1) The appointment or removal of staff of a unit in the [Department]  
10 **ADMINISTRATION** is subject to the approval of the [Secretary] **EXECUTIVE**  
11 **DIRECTOR**.

12 (2) The [Secretary] **EXECUTIVE DIRECTOR** may delegate the power  
13 of approval established under paragraph (1) of this subsection to the head of the unit.

14 (e) The [Department] **ADMINISTRATION** shall:

15 (1) adopt a code of conduct for staff of the [Department]  
16 **ADMINISTRATION**; and

17 (2) require each private agency under contract with the [Department]  
18 **ADMINISTRATION** to adopt a code of conduct for its staff that is in substantial  
19 compliance with the code of conduct for staff of the [Department] **ADMINISTRATION**.

20 9–208.

21 In cooperation with the Secretary of Budget and Management, the [Secretary]  
22 **EXECUTIVE DIRECTOR** shall:

23 (1) set minimum salaries, qualifications, and standards of training  
24 and experience for the positions in the [Department] **ADMINISTRATION**; and

25 (2) for employees who desire training in addition to in–service training  
26 and whose service records show merit, provide:

27 (i) educational subsidies, scholarships, and stipends; and

28 (ii) institutes, conferences, and classes.

29 9–209.

30 (a) (1) On or before the first day of employment with the [Department]  
31 **ADMINISTRATION**, the [Department] **ADMINISTRATION** shall apply to the Criminal

1 Justice Information System Central Repository in the Department of Public Safety  
2 and Correctional Services for a federal and State criminal history records check for  
3 each employee of the [Department] **ADMINISTRATION**.

4 (2) The Criminal Justice Information System Central Repository shall  
5 provide the requested information in accordance with Title 10, Subtitle 2 of the  
6 Criminal Procedure Article.

7 (3) If criminal history record information is reported to the Criminal  
8 Justice Information System Central Repository after the date of the criminal history  
9 records check, the Criminal Justice Information System Central Repository shall  
10 provide to the [Department] **ADMINISTRATION** and the employee a revised printed  
11 statement of the employee's criminal history record information.

12 (b) As part of the application for a criminal history records check, the  
13 [Department] **ADMINISTRATION** shall submit to the Criminal Justice Information  
14 System Central Repository:

15 (1) a complete set of the employee's legible fingerprints taken on  
16 standard fingerprint cards;

17 (2) the mandatory processing fee required by the Federal Bureau of  
18 Investigation for a federal criminal history records check; and

19 (3) the fee authorized under § 10-221(b)(7) of the Criminal Procedure  
20 Article for access to Maryland criminal history records.

21 9-210.

22 (a) The Attorney General is the legal adviser to the [Department]  
23 **ADMINISTRATION**.

24 (b) The Attorney General shall assign to the [Department]  
25 **ADMINISTRATION** the number of assistant Attorneys General that are authorized by  
26 law for the [Department] **ADMINISTRATION** and, as provided in the State budget,  
27 any additional assistant Attorneys General necessary to give effective legal advice and  
28 counsel.

29 (c) (1) The Attorney General shall designate one of the assistant  
30 Attorneys General as counsel to the [Department] **ADMINISTRATION**.

31 (2) The counsel to the [Department] **ADMINISTRATION** may have no  
32 duty other than to give the legal aid, advice, and counsel required by the [Secretary]  
33 **EXECUTIVE DIRECTOR** and any other official of the [Department]  
34 **ADMINISTRATION**, to supervise the other assistant Attorneys General assigned to the

1 [Department] **ADMINISTRATION**, and to perform for the [Department]  
2 **ADMINISTRATION** the duties that the Attorney General assigns.

3 (3) The counsel shall perform the duties specified in paragraph (2) of  
4 this subsection subject to the control and supervision of the Attorney General.

5 (4) After the Attorney General designates the counsel to the  
6 [Department] **ADMINISTRATION**, the Attorney General may not reassign the counsel  
7 without consulting the [Secretary] **EXECUTIVE DIRECTOR**.

8 9–211.

9 There is a State Advisory Board for Juvenile Services in the [Department]  
10 **ADMINISTRATION**.

11 9–212.

12 (a) The State Advisory Board consists of the following 19 members appointed  
13 by the Governor:

14 (1) one representative of the [Department] **ADMINISTRATION**;

15 (2) one representative of the State Department of Education;

16 (3) one representative of the Department of Health and Mental  
17 Hygiene;

18 (4) one representative of the Department of State Police;

19 (5) one representative of the Social Services Administration of the  
20 Department of Human Resources;

21 (6) one representative of a private child welfare agency;

22 (7) one representative of a youth services bureau;

23 (8) three representatives of the State judiciary;

24 (9) one representative of the General Assembly recommended by the  
25 President of the Senate;

26 (10) one representative of the General Assembly recommended by the  
27 Speaker of the House; and

28 (11) seven members of the general public.

29 (b) Of the seven members from the general public:

1           (1)    three shall be chosen on the basis of their interest in and  
2 experience with minors and juvenile problems;

3           (2)    three shall:

4                   (i)    at the time of appointment to a first term, be at least 16  
5 years old and under the age of 25 years; and

6                   (ii)   include at least one individual who has been under the  
7 jurisdiction of the [Department] **ADMINISTRATION**.

8           (c)    (1)    The term of a member is 3 years.

9                   (2)    The terms of the members are staggered as required by the terms  
10 provided for members of the State Advisory Board on October 1, 2007.

11                   (3)    At the end of a term, a member continues to serve until a successor  
12 is appointed and qualifies.

13                   (4)    A member who is appointed after a term has begun serves only for  
14 the rest of the term and until a successor is appointed and qualifies.

15                   (5)    A member who serves two consecutive full 3-year terms may not  
16 be reappointed for 3 years after completion of those terms.

17 9-214.

18           (a)    The State Advisory Board shall meet regularly at least six times a year  
19 on the call of its chair.

20           (b)    A member of the State Advisory Board:

21                   (1)    may not receive compensation as a member of the State Advisory  
22 Board; but

23                   (2)    is entitled to reimbursement for expenses under the Standard  
24 State Travel Regulations, as provided in the State budget.

25           (c)    A member of the State Advisory Board may not have a direct or indirect  
26 interest in any contract for building, repairing, equipping, or providing materials or  
27 supplies to the [Department] **ADMINISTRATION** or have any other financial interest  
28 in a contract with the [Department] **ADMINISTRATION**.

29 9-215.

1 In addition to its other duties specified in this title, the State Advisory Board  
2 shall:

3 (1) consult with and advise the [Secretary] **EXECUTIVE DIRECTOR**  
4 on:

5 (i) each aspect of the juvenile services program in the State;

6 (ii) the educational programs and services of the [Department]  
7 **ADMINISTRATION**; and

8 (iii) programs designed to divert children from the juvenile  
9 justice system;

10 (2) recommend to the [Secretary] **EXECUTIVE DIRECTOR** policies  
11 and programs to improve juvenile services in the State;

12 (3) participate in interpreting for the public the objectives of the  
13 [Department] **ADMINISTRATION**; and

14 (4) participate in planning the development and use of available  
15 resources to meet the needs of the [Department] **ADMINISTRATION**.

16 9–216.

17 (a) The [Department] **ADMINISTRATION** is the central administrative  
18 department for:

19 (1) juvenile intake, detention authorization, community detention,  
20 investigation, probation, protective supervision, predelinquent diversion services, and  
21 aftercare services; and

22 (2) the State juvenile diagnostic, training, detention, and  
23 rehabilitation institutions.

24 (b) The [Department] **ADMINISTRATION** shall:

25 (1) develop programs for predelinquent children whose behavior tends  
26 to lead to contact with law enforcement agencies;

27 (2) promote predelinquent programs, including greater utilization of  
28 youth services bureaus under § 9–234 of this subtitle, that provide services to divert  
29 children from the juvenile justice system;

30 (3) collaborate with local governments to encourage the use of  
31 predelinquent programs provided by youth services bureaus under § 9–234 of this  
32 subtitle in response to identified community needs; and

1           (4) provide technical assistance to local governments and youth  
2 services bureaus under § 9–234 of this subtitle to identify alternative funding sources  
3 for predelinquent programs.

4 9–217.

5           The [Department] **ADMINISTRATION** may:

6           (1) designate any public or private agency or organization in the State  
7 as its agent for the purposes of this title; and

8           (2) spend funds to aid that agent or to buy services from it or, if  
9 adequate services are not available in the State, to buy services from an agency or  
10 organization outside the State.

11 9–218.

12           (a) (1) The [Secretary] **EXECUTIVE DIRECTOR** may apply for, receive,  
13 and spend federal funds available for use in carrying out the powers and duties of the  
14 [Secretary] **EXECUTIVE DIRECTOR** or the [Department] **ADMINISTRATION**.

15           (2) The [Department] **ADMINISTRATION** may:

16           (i) accept, manage, and dispose of federal funds and  
17 commodities; and

18           (ii) take advantage of any available federal program or grant or  
19 other public or private assistance that accomplishes or furthers the objectives of this  
20 title.

21           (b) (1) With the approval of the Secretary of Budget and Management, the  
22 [Department] **ADMINISTRATION** shall accept, on behalf of the State, a conditional or  
23 unconditional gift or grant.

24           (2) The [Department] **ADMINISTRATION** shall pay all funds collected  
25 under paragraph (1) of this subsection into a special fund of the State Treasury and  
26 use the special fund to carry out the provisions of this title.

27           (c) Except as provided in subsection (b) of this section or otherwise provided  
28 by law, the [Secretary] **EXECUTIVE DIRECTOR** shall pay all money collected by the  
29 [Department] **ADMINISTRATION** under this title into the General Fund of the State.

30 9–220.

31           The [Department] **ADMINISTRATION** shall have a unit for research and  
32 development that shall:

1 (1) compile accurate statistics and reliable information on all aspects  
2 of the juvenile program of the State;

3 (2) monitor current developments in the field of juvenile services;

4 (3) assess existing programs and activities, including youth services  
5 bureaus;

6 (4) help develop new or improved means, including greater utilization  
7 of youth services bureaus under § 9–233 of this subtitle, to prevent juvenile offenses  
8 and control and treat juvenile offenders;

9 (5) if necessary, initiate studies to help the [Secretary] **EXECUTIVE**  
10 **DIRECTOR** in general planning and program development for the [Department]  
11 **ADMINISTRATION**; and

12 (6) for these and related purposes, use research and information  
13 available from all sources.

14 9–221.

15 (a) To carry out the objectives of this title, the following State units shall  
16 cooperate fully with the [Department] **ADMINISTRATION**:

17 (1) the State Department of Education;

18 (2) the Department of General Services;

19 (3) the Department of Health and Mental Hygiene;

20 (4) the Department of Human Resources;

21 (5) the Department of Labor, Licensing, and Regulation;

22 (6) the Department of Public Safety and Correctional Services; and

23 (7) each other agency needed to accomplish these objectives.

24 (b) (1) The [Department] **ADMINISTRATION** shall cooperate with the  
25 Juvenile Justice Monitoring Unit of the Office of the Attorney General established  
26 under Title 6, Subtitle 4 of the State Government Article by:

27 (i) providing the Unit with access to all facilities, reports, and  
28 records relating to a child on request;

1 (ii) allowing the juvenile justice monitors to conduct interviews  
2 with staff, children, and any other individuals on request; and

3 (iii) submitting corrective action plans and incident reports to  
4 the Unit in response to findings and recommendations made by the juvenile justice  
5 monitors regarding a facility.

6 (2) (i) The [Department] **ADMINISTRATION** shall respond to  
7 requests for information from a juvenile justice monitor concerning a facility within 30  
8 days after the date of the request.

9 (ii) If the [Department] **ADMINISTRATION** does not respond to  
10 a request for information, the monitor may conduct a reasonable investigation relating  
11 to the original request for information.

12 (c) The [Department] **ADMINISTRATION** shall cooperate with the State  
13 Department of Education to establish educational programs as required under Title  
14 22, Subtitle 3 of the Education Article.

15 9–222.

16 (a) Title 3, Subtitle 8A of the Courts Article governs detention, adjudication,  
17 disposition, and place and period of commitment of children in need of supervision and  
18 delinquent children.

19 (b) The [Department] **ADMINISTRATION** shall be subject to State finance  
20 and procurement laws under the State Finance and Procurement Article.

21 9–223.

22 It is the policy of the State that the [Department] **ADMINISTRATION** comply  
23 with the provisions of §§ 3–802 and 3–8A–02 of the Courts Article.

24 9–226.

25 (a) The [Department] **ADMINISTRATION** may establish and operate the  
26 facilities that are necessary to properly diagnose, care for, train, educate, and  
27 rehabilitate children who need these services.

28 (b) The facilities described in subsection (a) of this section include:

29 (1) the Alfred D. Noyes Children’s Center;

30 (2) the Baltimore City Juvenile Justice Center;

31 (3) the Charles H. Hickey, Jr. School;

- 1 (4) the Cheltenham Youth Facility;
- 2 (5) the J. DeWeese Carter Center;
- 3 (6) the Lower Eastern Shore Children's Center;
- 4 (7) the Thomas J. S. Waxter Children's Center;
- 5 (8) the Victor Cullen Center;
- 6 (9) the Western Maryland Children's Center; and
- 7 (10) the youth centers.

8 9–227.

9 (a) Each facility described in § 9–226 of this subtitle shall operate under the  
10 control and general management of the [Department] **ADMINISTRATION**.

11 (b) The [Department] **ADMINISTRATION** shall:

12 (1) subject to Title 3, Subtitles 8 and 8A of the Courts Article, adopt  
13 regulations that set:

14 (i) policies for detention authorization, community detention,  
15 admission, transfer, discharge, and aftercare supervision; and

16 (ii) standards of care, including provisions to administer any  
17 early, periodic screening diagnosis and treatment program that the [Department]  
18 **ADMINISTRATION** approves for establishment under 42 U.S.C., § 1396d(a)(4)(B) and  
19 to treat appropriately any condition that the screening reveals;

20 (2) adopt regulations applicable to residential facilities it operates  
21 that:

22 (i) prohibit the use of locked door seclusion and restraints as  
23 punishment and describe the circumstances under which locked door seclusion and  
24 restraints may be used; and

25 (ii) prohibit abuse of a child; and

26 (3) except as provided in § 22–308 of the Education Article, adopt  
27 regulations that require each State residential program to provide:

28 (i) year-round educational programs that are designed to meet  
29 the particular needs of its residents;

- 1 (ii) medical and mental health assessment services;
- 2 (iii) alcohol abuse and drug abuse assessment services;
- 3 (iv) either alcohol abuse and drug abuse referral services or an  
4 alcohol abuse and drug abuse treatment program that has been certified in accordance  
5 with the requirements of Title 8 of the Health – General Article; and
- 6 (v) a safe, humane, and caring environment.

7 (c) (1) The [Department] **ADMINISTRATION** shall adopt a policy to  
8 govern disciplinary actions and grievances in its facilities.

9 (2) The policy shall:

10 (i) require preparation of a written report of any disciplinary  
11 action taken against a child or of any grievance made by or on behalf of a child;

12 (ii) require that each written report be forwarded to and  
13 reviewed by the administrative head of the facility; and

14 (iii) require the [Department] **ADMINISTRATION** to forward in  
15 a timely manner all reports of disciplinary actions, grievances, and grievance  
16 dispositions from each facility to the Juvenile Justice Monitoring Unit of the Office of  
17 the Attorney General established under Title 6, Subtitle 4 of the State Government  
18 Article.

19 (d) In each facility, the [Department] **ADMINISTRATION** shall develop  
20 special programs that are designed to meet the particular needs of its residents.

21 (e) Subject to Title 3, Subtitles 8 and 8A of the Courts Article, the  
22 [Department] **ADMINISTRATION** shall order any necessary changes in the policy,  
23 conduct, or management of a State residential program to provide adequate care for  
24 the children and adequate services to the courts.

25 9–228.

26 Before the [Department] **ADMINISTRATION** requests a bond issue from the  
27 General Assembly to build or renovate a facility, the [Department] **ADMINISTRATION**  
28 shall consult on the proposed construction or renovation plans with the governing body  
29 of:

30 (1) the county where the facility is to be built or renovated; and

31 (2) each county to be served by the facility.

32 9–229.

1 (a) The [Department] **ADMINISTRATION** shall operate and manage the  
2 Baltimore City Juvenile Justice Center as a centralized regional juvenile intake,  
3 assessment, court, and detention facility for Baltimore City.

4 (b) The Baltimore City Juvenile Justice Center shall include:

- 5 (1) the [Department] **ADMINISTRATION**;
- 6 (2) the Juvenile Division of the Circuit Court for Baltimore City;
- 7 (3) an office of the State's Attorney for Baltimore City;
- 8 (4) an office of the Baltimore City Department of Social Services;
- 9 (5) Baltimore City police services; and
- 10 (6) courthouse security services of the Sheriff of Baltimore City.

11 (c) If a child who is delinquent or is alleged to have committed a delinquent  
12 act is taken into custody by a law enforcement officer and brought to the Baltimore  
13 City Juvenile Justice Center, the [Department] **ADMINISTRATION**, in conjunction  
14 with Baltimore City police services, shall:

15 (1) for purposes of positive identification, obtain photographs and  
16 fingerprints and submit them to:

17 (i) the Criminal Justice Information System Central  
18 Repository; and

19 (ii) any other automated juvenile justice information system or  
20 repository approved by the [Secretary] **EXECUTIVE DIRECTOR**;

21 (2) conduct a criminal and juvenile history records check; and

22 (3) conduct an automated search for outstanding warrants and writs  
23 of attachment.

24 (d) (1) After the processing of fingerprints, the Criminal Justice  
25 Information System Central Repository shall provide to the [Department]  
26 **ADMINISTRATION**, in accordance with State and federal law, information concerning  
27 children taken into custody under subsection (c) of this section.

28 (2) Information concerning a child disseminated from the Criminal  
29 Justice Information System Central Repository is a police record under § 10–101(h) of  
30 the Criminal Procedure Article and may not be redisseminated except in accordance  
31 with § 3–8A–27(a) of the Courts Article.

1 (e) Subject to the authority of the [Secretary] **EXECUTIVE DIRECTOR**:

2 (1) the managing director of the Baltimore City Juvenile Justice  
3 Center is its chief administrator; and

4 (2) the director of detention of the Baltimore City Juvenile Justice  
5 Center is its administrator of juvenile detention.

6 9–230.

7 (a) With the consent of the State Advisory Board, the [Secretary]  
8 **EXECUTIVE DIRECTOR** may establish an advisory board for one or more facilities.

9 (b) Each board shall consist of individuals that the [Secretary] **EXECUTIVE**  
10 **DIRECTOR** and the State Advisory Board consider to be helpful in matters that relate  
11 to the effective operation and improvement of the facility.

12 (c) A representative of the Juvenile Justice Monitoring Unit of the Office of  
13 the Attorney General established under Title 6, Subtitle 4 of the State Government  
14 Article shall be available to attend meetings of each advisory board.

15 9–231.

16 (a) The [Department] **ADMINISTRATION** may place children in group homes  
17 and institutions operated by nonprofit or for–profit entities to provide for their care,  
18 diagnosis, training, education, and rehabilitation.

19 (b) (1) The [Department] **ADMINISTRATION** shall reimburse the entities  
20 described in subsection (a) of this section for the cost of the services at appropriate  
21 monthly rates that the [Department] **ADMINISTRATION** determines, as provided in  
22 the State budget.

23 (2) The [Department] **ADMINISTRATION** may establish different  
24 reimbursement rates for homes and institutions that provide intermediate services  
25 and homes and institutions that provide full services.

26 (c) The [Department] **ADMINISTRATION** may not place a child in a group  
27 home or other residential facility that is not operating in compliance with applicable  
28 State licensing laws.

29 9–232.

30 The [Department] **ADMINISTRATION** shall establish a program to help homes  
31 for runaway youths.

32 9–233.

1 (a) In this section, “youth services bureau” means a community–based entity  
2 that is operated:

3 (1) to provide community–oriented delinquency prevention, youth  
4 suicide prevention, drug and alcohol abuse prevention, and youth development;

5 (2) to ameliorate conditions that contribute to delinquency, youth  
6 suicide, drug and alcohol abuse, and family disruption; and

7 (3) to function as an advocate of youth needs.

8 (b) (1) The [Department] **ADMINISTRATION** shall adopt regulations that  
9 set eligibility guidelines for State funding of youth services bureaus under this section.

10 (2) The regulations shall require that each youth services bureau that  
11 receives State funding:

12 (i) provide, at convenient hours:

13 1. individual, family, or group counseling;

14 2. referral and information services;

15 3. crisis intervention, including intervention relating to  
16 youth suicide prevention;

17 4. alcohol and drug abuse assessment and referral  
18 services by staff who have received substance abuse assessment and referral training  
19 from the Office of Education and Training for Addiction Services (OETAS) in the  
20 Department of Health and Mental Hygiene or from any other entity that the  
21 [Secretary] **EXECUTIVE DIRECTOR** determines to be qualified to provide substance  
22 abuse assessment and referral training;

23 5. informal counseling; and

24 6. in accordance with the needs of the community and  
25 subject to the availability of funds:

26 A. tutoring;

27 B. alternative leisure activities;

28 C. employment assistance;

29 D. community education, including training and  
30 information relating to youth suicide prevention;

1 E. aftercare services; and

2 F. other specialized services;

3 (ii) subject to subsection (c)(2) of this section, provide the  
4 services described in item (i) of this paragraph free of charge or at a rate that its board  
5 of directors establishes, in consultation with the [Department] **ADMINISTRATION**,  
6 that is based on the client's family income; and

7 (iii) dispose of all information and records on each individual  
8 receiving services from the youth services bureau 5 years after services to the  
9 individual terminate.

10 (c) (1) A youth services bureau may retain any fees charged under  
11 subsection (b)(2)(ii) of this section.

12 (2) The fees authorized under subsection (b)(2)(ii) of this section do not  
13 apply to youth referred to a youth services bureau by court order.

14 (d) (1) The [Department] **ADMINISTRATION** shall:

15 (i) monitor the operations of each youth services bureau that  
16 receives State funding;

17 (ii) evaluate annually the effectiveness of each youth services  
18 bureau; and

19 (iii) discontinue funding a youth services bureau that is  
20 ineffective or that, for 2 years, fails to meet the eligibility guidelines for State funding.

21 (2) The [Department] **ADMINISTRATION** shall review and approve or  
22 disapprove an application for State funding of a youth services bureau or proposed  
23 youth services bureau.

24 (e) (1) (i) The State and the local government shall jointly fund an  
25 eligible youth services bureau.

26 (ii) The State shall provide 75% of the funding for an eligible  
27 youth services bureau, as provided in the State budget.

28 (2) At the times that the [Department] **ADMINISTRATION** specifies,  
29 each eligible youth services bureau shall submit a proposed annual budget to the  
30 [Department] **ADMINISTRATION** for review and approval.

1           (3)    The proposed budget of the [Department] **ADMINISTRATION** shall  
2 list the eligible youth services bureaus and estimate the amount of State funds to be  
3 allocated to each.

4           (4)    (i)    The local governing body that provides the matching funds  
5 for an eligible youth services bureau may choose to have the State funds for the youth  
6 services bureau paid directly to its private sponsor or to the local governing body.

7                   (ii)   Before the State funds are paid, the fiscal officer of the local  
8 government shall certify in writing the source of the matching funds provided by the  
9 local government.

10 9–234.

11           (a)    The General Assembly intends that:

12                   (1)    all children whose care is the responsibility of the State shall have  
13 similar protection for their health, their safety, and the quality of their care; and

14                   (2)    the regulations of State units that are charged with child care shall  
15 be comparable.

16           (b)    The [Department] **ADMINISTRATION** shall adopt regulations to carry  
17 out §§ 9–235 and 9–236 of this subtitle.

18           (c)    A child care home or child care institution may not be required to obtain  
19 a license from more than one State unit.

20           (d)    A State unit authorized to license child care homes or child care  
21 institutions may make a cooperative licensing arrangement with another State unit.

22 9–235.

23           (a)    Except as provided in subsection (b) of this section, a person shall be  
24 licensed by the [Department] **ADMINISTRATION** as a child care home before the  
25 person may exercise care, custody, or control over a child who is alleged to be or is  
26 adjudicated delinquent or in need of supervision.

27           (b)    This section does not apply to:

28                   (1)    a parent of the child;

29                   (2)    an individual related to the child by blood or marriage within 4  
30 degrees of consanguinity under the civil law rule;

31                   (3)    a guardian of the child;

1           (4) a person who exercises temporary custody or control over the child  
2 at the request of a parent or guardian of the child and who is not required otherwise to  
3 be licensed;

4           (5) a person who has the care, custody, or control of the child through  
5 placement by a parent or grandparent of the child in contemplation of adoption, if the  
6 requirements of § 5–507(b)(2) and (c) of the Family Law Article are met;

7           (6) an institution that has a child care institution license under this  
8 subtitle or § 5–509 of the Family Law Article;

9           (7) an institution operated by a unit of the State or a political  
10 subdivision; or

11           (8) a foster care provider with whom the child is placed by:

12                   (i) a licensed child placement agency;

13                   (ii) a local department of social services;

14                   (iii) the Secretary of Health and Mental Hygiene;

15                   (iv) the [Department] **ADMINISTRATION**; or

16                   (v) a court of competent jurisdiction.

17 9–236.

18           (a) Except as otherwise provided in subsection (b) of this section, a person  
19 shall be licensed by the [Department] **ADMINISTRATION** as a child care institution  
20 before the person may operate an institution for the care, custody, or control of a child  
21 alleged to be or adjudicated delinquent or in need of supervision.

22           (b) This section does not apply to:

23                   (1) an institution or facility operated by a unit of the State or a  
24 political subdivision; or

25                   (2) a child care home that has a license under this subtitle or § 5–508  
26 of the Family Law Article.

27 9–237.

28           (a) The [Department] **ADMINISTRATION** shall adopt regulations that set  
29 standards for juvenile detention facilities operated by the [Department]  
30 **ADMINISTRATION** and by private agencies under contract with the [Department]  
31 **ADMINISTRATION**.

1           (b)    The standards shall reflect the following central purposes of juvenile  
2 detention:

3                   (1)    to protect the public;

4                   (2)    to provide a safe, humane, and caring environment for children;  
5 and

6                   (3)    to provide access to required services for children.

7           (c)    The standards shall include provisions establishing:

8                   (1)    a policy that eliminates the unnecessary use of detention and that  
9 prioritizes diversion and appropriate nonsecure alternatives;

10                   (2)    criteria for the placement of a child in a particular juvenile  
11 detention facility;

12                   (3)    population limits for each juvenile detention facility that may not  
13 be exceeded except in emergency circumstances;

14                   (4)    a requirement that staffing ratios and levels of services be  
15 maintained during emergencies;

16                   (5)    specifications for the architectural structure of a juvenile detention  
17 facility;

18                   (6)    staff qualifications and training, including training in recognizing  
19 and reporting child abuse and neglect;

20                   (7)    the ratio of staff to children in a juvenile detention facility;

21                   (8)    the rights of children in a juvenile detention facility, including the  
22 right to privacy, visitors, telephone use, and mail delivery;

23                   (9)    prohibitions against the use of excessive force against a child; and

24                   (10)   internal auditing and monitoring of programs and facilities in the  
25 juvenile services system.

26           (d)    The standards shall be consistent with this title and Title 3, Subtitle 8A  
27 of the Courts Article.

28 9-238.1.

1 (a) The [Department] **ADMINISTRATION** shall serve children in the juvenile  
2 services system with programming that:

3 (1) ensures the safety of the community and the children served;

4 (2) holds delinquent children accountable to victims and communities;

5 (3) assists children to develop competencies to become successful  
6 members of society;

7 (4) delivers services on a regional basis through at least four  
8 operational regions;

9 (5) ensures that a committed facility owned by the [Department]  
10 **ADMINISTRATION** serves no more than 48 children at one time; and

11 (6) uses detention and committed facilities that are operationally  
12 separate from each other and that do not share common program space, including  
13 dining halls and educational or recreational facilities.

14 (b) A region shall:

15 (1) include at least one secure facility used solely for children pending  
16 court disposition and children awaiting placement after disposition;

17 (2) except for specialized services as provided in subsection (c) of this  
18 section, include a number of committed facilities estimated to be necessary to  
19 diagnose, care for, train, educate, and properly rehabilitate every child from the region  
20 in the custody of the [Department] **ADMINISTRATION**; and

21 (3) include a nonpublic facility only if the [Department]  
22 **ADMINISTRATION** determines that the facility:

23 (i) has provided or will efficiently and effectively provide  
24 adequate care for the children placed in the facility; and

25 (ii) has demonstrated or will demonstrate a record of success  
26 based on standards promulgated by the [Department] **ADMINISTRATION**.

27 (c) The [Department] **ADMINISTRATION** may place a child into a committed  
28 facility outside the child's region if a determination is made by the [Department]  
29 **ADMINISTRATION** that specialized services for the child require the placement in the  
30 best interests of the child.

31 9-239.

1 By regulation, the [Department] **ADMINISTRATION** shall set standards for  
2 nonsecure alternatives for the placement of a child committed under § 3–8A–19 of the  
3 Courts Article.

4 9–240.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Step–down aftercare” means:

7 (i) a network of programs that provide education and  
8 rehabilitation; and

9 (ii) services and treatment to ease the transition of children  
10 from the custody of the [Department] **ADMINISTRATION** to their homes and  
11 communities.

12 (3) “Step–down aftercare plan” means an individualized plan for each  
13 child in step–down aftercare that proposes specific assistance, guidance, treatment,  
14 services, and supervision that:

15 (i) prepares the child for reentry into the specific community to  
16 which the child will return;

17 (ii) ensures the delivery of prescribed services to the child in the  
18 community; and

19 (iii) monitors conduct in the community to ensure public safety.

20 (b) (1) A child discharged from a committed residential placement shall  
21 receive step–down aftercare for the period that the [Department] **ADMINISTRATION**  
22 determines.

23 (2) A child in step–down aftercare shall receive:

24 (i) a step–down aftercare plan;

25 (ii) supervision by step–down aftercare staff in accordance with  
26 the step–down aftercare plan;

27 (iii) educational services; and

28 (iv) any other services necessary to implement the step–down  
29 aftercare plan.

30 (c) The step–down aftercare staff shall:

1 (1) prepare a step-down aftercare plan for each child assigned to the  
2 step-down aftercare program and file the plan with the [Department]  
3 **ADMINISTRATION**;

4 (2) keep regular records concerning the progress of each child;

5 (3) file with the [Department] **ADMINISTRATION** a monthly progress  
6 report on each child; and

7 (4) file with the [Department] **ADMINISTRATION** an annual report on  
8 the outcome of step-down aftercare plans for the children in the step-down aftercare  
9 program, that includes to the extent possible:

10 (i) information on the number of children who:

11 1. are rearrested;

12 2. are rearrested and charged with serious or violent  
13 offenses;

14 3. are rearrested and waived to the adult system;

15 4. are re-referred to the [Department]  
16 **ADMINISTRATION**;

17 5. are readjudicated and recommitted;

18 6. graduate from high school or successfully complete a  
19 high school equivalency examination; and

20 7. are employed; and

21 (ii) other relevant information.

22 9-240.1.

23 (a) (1) The [Secretary] **EXECUTIVE DIRECTOR** shall establish a  
24 Program to attempt to provide a volunteer mentor for each child in the State who has  
25 spent at least 30 days in a committed placement.

26 (2) The Program shall be called "Maryland Rising".

27 (b) The purpose of the Program is to provide individualized attention to a  
28 child:

29 (1) to decrease the child's delinquent or violent behavior in the  
30 community; and

1           (2) to increase the child's potential for becoming a productive,  
2 successful member of the community.

3           (c) (1) To carry out the purpose of the Program, the [Department]  
4 **ADMINISTRATION** shall develop a statewide network of State agencies, community  
5 agencies, citizen action groups, social services providers, volunteer organizations,  
6 college student groups, and other groups who will recruit volunteer mentors for the  
7 Program.

8           (2) A mentor shall have frequent contact with the child and may  
9 provide the following services to the child:

10                   (i) informal counseling;

11                   (ii) tutoring;

12                   (iii) assisting the child with life skills training;

13                   (iv) working with the child's family or guardian;

14                   (v) interacting with the child's school or employer, if necessary;

15 and

16                   (vi) other individualized support services that help the child  
17 avoid negative behaviors and become a successful, productive member of the  
18 community.

19           (d) The [Department] **ADMINISTRATION** may adopt regulations to  
20 implement this section.

21 9-241.

22           (a) The [Secretary] **EXECUTIVE DIRECTOR** shall establish programs for  
23 juvenile intake, predelinquent diversion services, community detention, investigation,  
24 probation, and aftercare services.

25           (b) (1) Except for predelinquent diversion services, the [Secretary]  
26 **EXECUTIVE DIRECTOR** shall provide sufficient staff to operate the programs  
27 described in subsection (a) of this section.

28           (2) The staff of the [Department] **ADMINISTRATION** is under the  
29 immediate direction and control of the [Secretary] **EXECUTIVE DIRECTOR**.

30 9-242.

1           The [Secretary] **EXECUTIVE DIRECTOR** shall hold institutes, conferences, and  
2 other programs to familiarize the judiciary, the Baltimore City Social Services  
3 Commission and other boards of local departments of social services, citizens action  
4 groups, and other interested persons with the functions and programs of the  
5 [Department] **ADMINISTRATION**.

6 9-243.

7           (a) If requested by a juvenile court or by any other court in a proceeding that  
8 involves the interest of a minor, the [Department] **ADMINISTRATION** shall provide  
9 the services described in this title.

10           (b) The [Department] **ADMINISTRATION** shall provide the employees  
11 necessary for any services that a juvenile court orders.

12           (c) The [Department] **ADMINISTRATION** shall cooperate with the juvenile  
13 court in carrying out the objectives of this title and Title 3, Subtitles 8 and 8A of the  
14 Courts Article.

15 9-244.

16           (a) The [Secretary] **EXECUTIVE DIRECTOR** shall:

17                   (1) study the problem of the units of work that are involved in the  
18 juvenile courts; and

19                   (2) establish a system for units of work.

20           (b) (1) On the basis of the comparative workload of any juvenile court, the  
21 [Secretary] **EXECUTIVE DIRECTOR** shall provide the court with adequate staff and  
22 an adequate variety of staff.

23                   (2) Unless the judges of the court consent, a juvenile court may not be  
24 assigned a smaller staff than authorized as of July 1, 1986.

25           (c) (1) Within the formula described in this section, a judge of any  
26 juvenile court may request the additional clerical and professional court service staff  
27 that the workload of the court requires.

28                   (2) The [Secretary] **EXECUTIVE DIRECTOR** shall consider and  
29 respond to a request under paragraph (1) of this subsection in accordance with  
30 §§ 9-241 and 9-243 of this subtitle.

31 9-245.

32           (a) In this section, "foster parent" includes an individual who cares for a  
33 child on an emergency basis under a shelter care program.

1           (b) (1) The [Department] **ADMINISTRATION** shall provide liability  
2 insurance for foster parents who care for children under foster parent programs.

3                   (2) Subject to a reasonable deductible limit that the [Department]  
4 **ADMINISTRATION** sets, the liability insurance shall cover:

5                           (i) bodily injury and property damage that a foster child causes  
6 to the person or property of a person other than a foster parent; and

7                           (ii) actions against a foster parent by a parent for any accidental  
8 injury to the foster child.

9           (c) (1) Subject to paragraph (2) of this subsection, the [Secretary]  
10 **EXECUTIVE DIRECTOR** shall reimburse a foster parent for the costs of bodily injury  
11 or property damage that the foster child causes to the foster parent and that insurance  
12 does not cover, if the [Secretary] **EXECUTIVE DIRECTOR** is satisfied that the actions  
13 of the foster parent did not contribute substantially to the bodily injury or property  
14 damage.

15                   (2) (i) Reimbursement under this subsection may not exceed  
16 \$5,000.

17                           (ii) Reimbursement exceeding \$2,000 requires the approval of  
18 the Board of Public Works.

19 9–246.

20           (a) In this section, “fund” means a youth welfare fund.

21           (b) (1) There is a youth welfare fund in each facility of the [Department]  
22 **ADMINISTRATION** of Juvenile Services.

23                   (2) A fund shall be used for goods and services that benefit the general  
24 youth population in the facility.

25           (c) (1) Each fund is a special continuing, nonlapsing fund that is not  
26 subject to § 7–302 of the State Finance and Procurement Article.

27                   (2) Each fund consists of:

28                           (i) profits derived from the sale of goods through the  
29 commissary operation and telephone and vending machine commissions for the  
30 facility; and

31                           (ii) subject to paragraph (3) of this subsection, money received  
32 from other sources.

1 (3) Money from the General Fund of the State may not be transferred  
2 by budget amendment or other manner to a fund.

3 (d) (1) The Treasurer shall hold each fund separately, and the  
4 Comptroller shall account for each fund.

5 (2) Each fund is subject to an audit by the Office of Legislative Audits  
6 under § 2-1220 of the State Government Article.

7 (3) (i) Each fund shall be invested and reinvested in the same  
8 manner as other State funds.

9 (ii) Any investment earnings are not a part of the fund.

10 (e) The Comptroller shall pay out money from each fund as appropriated in  
11 the State budget.

12 9-401.

13 (c) "Juvenile program" means a:

14 (1) program that:

15 (ii) provides residential services to youth placed by the  
16 [Department] **ADMINISTRATION**; or

17 9-402.

18 (a) A county, municipal corporation, for profit organization, or nonprofit  
19 organization sponsoring a project involving the planning, design, construction,  
20 conversion, acquisition, renovation, and equipping of a juvenile facility in the State  
21 may apply to the [Department] **ADMINISTRATION** for a grant under this subtitle.

22 (b) (1) An application shall be filed with the [Department]  
23 **ADMINISTRATION** in the form the [Department] **ADMINISTRATION** requires.

24 (2) The applicant shall file with the [Department] **ADMINISTRATION**  
25 a statement that includes:

26 (i) a list of the personnel employed or to be employed at the  
27 juvenile facility;

28 (ii) all compensation and other expenses paid or to be paid to  
29 the personnel;

1 (iii) all other expenses incurred or to be incurred in operating the  
2 juvenile facility; and

3 (iv) a schedule of rates charged or to be charged for services  
4 provided at the juvenile facility.

5 (c) If the [Secretary] **EXECUTIVE DIRECTOR** approves the project and the  
6 project plans, the [Secretary] **EXECUTIVE DIRECTOR** shall promptly:

7 (1) report the application to the Board of Public Works; and

8 (2) recommend that the Board make funds available as provided in  
9 this subtitle.

10 (d) The amount of the State grant for a project shall be determined after  
11 considering:

12 (1) all eligible applications;

13 (2) the total of unallocated State funds available when the application  
14 is received; and

15 (3) the priorities of area need that the [Department]  
16 **ADMINISTRATION** establishes.

17 9-405.

18 (a) Before any State funds are paid for an approved project, the  
19 [Department] **ADMINISTRATION** shall cause a notice of the State's right of recovery  
20 to be recorded in the land records of the county in which the property is located.

21 9-410.

22 (a) (1) The [Secretary] **EXECUTIVE DIRECTOR** shall adopt regulations  
23 to carry out this subtitle.

24 **Article – Labor and Employment**

25 11-1003.

26 (b) The board consists of the following members:

27 (1) as ex officio members:

28 (v) the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile  
29 Services;

**Article – Public Safety**

1  
2 2–702.

3 (b) (1) The Council consists of the following 13 members appointed by the  
4 Governor:

5 (i) as ex officio members of the Council:

6 2. the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile  
7 Services or a designee;

8 5–502.

9 (b) (2) Of the 11 members of the Council:

10 (i) one shall be the [Secretary] **EXECUTIVE DIRECTOR** of  
11 Juvenile Services or a designee;

**Article – State Finance and Procurement**

12  
13 3–305.

14 (d) The Central Collection Unit shall deliver the net proceeds of collections  
15 from defendants or liable parents in arrears on restitution payments to the Division of  
16 Parole and Probation or the [Department of] Juvenile Services **ADMINISTRATION** to  
17 be forwarded by the Division or [Department] **ADMINISTRATION** to the victim or  
18 other appropriate person or agency in accordance with the judgment of restitution.

19 13–107.1.

20 (l) The following agencies shall implement an educational outreach  
21 campaign on the availability of the unsolicited proposal method of procurement:

22 (4) the [Department of] Juvenile Services **ADMINISTRATION**;

23 14–501.

24 (b) “Designated procurement unit” means:

25 (1) the State Treasurer;

26 (2) the Department of Information Technology;

27 (3) the Department of Business and Economic Development;

28 (4) the Department of the Environment;

- 1 (5) the Department of General Services;
- 2 (6) the Department of Health and Mental Hygiene;
- 3 (7) the Department of Housing and Community Development;
- 4 (8) the Department of Human Resources;
- 5 (9) [the Department of Juvenile Services;
- 6 (10)] the Department of Labor, Licensing, and Regulation;
- 7 [(11)] **(10)** the Department of Natural Resources;
- 8 [(12)] **(11)** the State Department of Education;
- 9 [(13)] **(12)** the Department of State Police;
- 10 [(14)] **(13)** the Department of Public Safety and Correctional Services;
- 11 [(15)] **(14)** the Department of Transportation;
- 12 **(15) THE JUVENILE SERVICES ADMINISTRATION;**
- 13 (16) the University System of Maryland;
- 14 (17) the Maryland Port Commission;
- 15 (18) the State Retirement Agency;
- 16 (19) the Maryland Insurance Administration;
- 17 (20) the Maryland Stadium Authority;
- 18 (21) the State Lottery Agency;
- 19 (22) the Morgan State University; and
- 20 (23) the Maryland Transportation Authority.

21 **Article – State Government**

22 6–401.

- 23 (a) In this subtitle the following words have the meanings indicated.

1 (b) ["Department"] "ADMINISTRATION" means the [Department of]  
2 Juvenile Services ADMINISTRATION.

3 (c) "Disciplinary action" means any punitive action against a child that  
4 results in more security, additional obligations, or less personal freedom.

5 (d) "Executive Director" means the Executive Director of the Governor's  
6 Office for Children.

7 (e) "Facility" means:

8 (1) a residential facility operated by the [Department]  
9 ADMINISTRATION;

10 (2) a residential facility owned by the [Department]  
11 ADMINISTRATION but privately operated; and

12 (3) a residential facility licensed by the [Department]  
13 ADMINISTRATION.

14 (f) (1) "Grievance" means a complaint made by a child or on behalf of a  
15 child due to a circumstance or an action considered to be unjust.

16 (2) "Grievance" does not include an employee grievance, disciplinary  
17 appeal, or complaint.

18 (g) "Juvenile justice monitor" means an individual employed by the Office of  
19 the Attorney General to determine whether the needs of children under the  
20 jurisdiction of the [Department] ADMINISTRATION are being met in compliance with  
21 State law, that their rights are being upheld, and that they are not being abused.

22 [(h) "Secretary" means the Secretary of Juvenile Services.]

23 [(i) (H) "Unit" means the Juvenile Justice Monitoring Unit of the Office of  
24 the Attorney General.

25 6-402.

26 (b) The function of the Unit is to investigate and determine whether the  
27 needs of children under the jurisdiction of the [Department of] Juvenile Services  
28 ADMINISTRATION are being met in compliance with State law, that their rights are  
29 being upheld, and that they are not being abused.

30 6-404.

31 The Unit shall:

- 1           (1) evaluate at each facility:
- 2                       (ii) the [Department's] **ADMINISTRATION'S** monitoring  
3 process;
- 4           (3) receive copies of the grievances submitted to the [Department]  
5 **ADMINISTRATION**;
- 6           (5) receive and review all incident reports submitted to the  
7 [Department] **ADMINISTRATION** from facilities;
- 8           (8) collaborate with the [Department] **ADMINISTRATION**, the  
9 Department of Human Resources, the Department of Health and Mental Hygiene, and  
10 the Governor's Office for Children in all matters related to the licensing and  
11 monitoring of children's residential facilities; and
- 12 6-405.

13           The Unit may:

- 14           (3) review investigative reports produced by the [Department]  
15 **ADMINISTRATION** relating to youth in facilities; and
- 16 6-406.

17           (a) The Unit shall report in a timely manner to the Executive Director, the  
18 [Secretary] **EXECUTIVE DIRECTOR OF JUVENILE SERVICES**, and, in accordance  
19 with § 2-1246 of this article, the Speaker of the House of Delegates and the President  
20 of the Senate:

- 21           (1) knowledge of any problem regarding the care, supervision, and  
22 treatment of children in facilities;
- 23           (2) findings, actions, and recommendations, related to the  
24 investigations of disciplinary actions, grievances, incident reports, and alleged cases of  
25 child abuse and neglect; and
- 26           (3) all other findings and actions related to the monitoring required  
27 under this subtitle.

28           (b) (1) The Unit shall report quarterly to the Executive Director and the  
29 [Secretary] **EXECUTIVE DIRECTOR OF JUVENILE SERVICES**.

30           (2) A copy of the report shall be provided to the State Advisory Board  
31 for Juvenile Services and, in accordance with § 2-1246 of this article, the General  
32 Assembly.

- 1           (3)    The report shall include:
- 2                   (i)    all activities of the Unit;
- 3                   (ii)   actions taken by the [Department] **ADMINISTRATION**
- 4 resulting from the findings and recommendations of the Unit, including the
- 5 [Department's] **ADMINISTRATION'S** response; and
- 6                   (iii)  a summary of any violations of the standards and
- 7 regulations of the [Department] **ADMINISTRATION** that remained unabated for 30
- 8 days or more during the reporting period.

9           (c)    Beginning in 2006, on or before November 30 of each year, the Unit shall

10 report to the Executive Director, the [Secretary] **EXECUTIVE DIRECTOR OF**

11 **JUVENILE SERVICES**, the advisory boards established under § 9–230 of the Human

12 Services Article, the Governor, and, in accordance with § 2–1246 of this article, the

13 General Assembly, on all the activities of the Office and the actions taken by the

14 [Department] **ADMINISTRATION** in response to findings and recommendations of the

15 Unit.

16 10–616.

17           (q)    (5)    The provisions of paragraphs (1) and (2) of this subsection may not

18 be construed to prohibit:

19                   (iii)  inspection of files and records, of a court pertaining to an

20 unserved arrest warrant and the charging document upon which the arrest warrant

21 was issued, by:

22                   8.    the Department of Public Safety and Correctional

23 Services or the [Department of] Juvenile Services **ADMINISTRATION** for the purpose

24 of notification of a victim under the provisions of § 11–507 of the Criminal Procedure

25 Article; or

## 26                                   **Article – State Personnel and Pensions**

27 10–501.

28           (c)    “Participating unit” means the Department of Budget and Management,

29 the Department of Legislative Services, or the [Department of] Juvenile Services

30 **ADMINISTRATION**.

31 10–502.

1 This subtitle applies to an employee of the Department of Budget and  
2 Management, the Department of Legislative Services, or the [Department of] Juvenile  
3 Services **ADMINISTRATION** who is in:

4 (1) the skilled service or professional service of the State Personnel  
5 Management System; or

6 (2) a position in the Legislative Branch of State government that is  
7 comparable to a position in the skilled service or professional service of the State  
8 Personnel Management System.

9 10-506.

10 (b) The regulations shall be adopted after consultation with the Executive  
11 Director of the Department of Legislative Services and the [Secretary] **EXECUTIVE**  
12 **DIRECTOR** of Juvenile Services.

13 10-507.

14 On or before January 1 of each year, the Secretary of Budget and Management  
15 and the [Secretary] **EXECUTIVE DIRECTOR** of Juvenile Services shall each report to  
16 the Governor and, in accordance with § 2-1246 of the State Government Article, to the  
17 General Assembly the following information for the immediately preceding fiscal year:

18 (1) the number of employees selected to receive benefits under the  
19 program;

20 (2) the position classifications of the employees who received benefits  
21 under the program; and

22 (3) the cost of providing the benefits.

## 23 **Article 25B – Home Rule for Code Counties**

24 13C-1.

25 (i) (2) If the parent or guardian cannot be located or fails to take charge  
26 of the minor, then the minor shall be released to the local Department of Social  
27 Services, the [Department of] Juvenile Services **ADMINISTRATION**, or to another  
28 adult who will, on behalf of the parent or guardian, assume the responsibility of caring  
29 for the minor pending the availability or arrival of the parent or guardian.

30 **SECTION 2. AND BE IT FURTHER ENACTED**, That the Laws of Maryland  
31 read as follows:

## 32 **Article – Courts and Judicial Proceedings**

1 3-8A-27.

2 (a) (2) This subsection does not prohibit:

3 (i) Access to and confidential use of the record by the  
4 [Department of] Juvenile Services **ADMINISTRATION** or in the investigation and  
5 prosecution of the child by any law enforcement agency;

6 (iii) A law enforcement agency of the State or of a political  
7 subdivision of the State, the [Department of] Juvenile Services **ADMINISTRATION**, or  
8 the criminal justice information system from including in the law enforcement  
9 computer information system information about an outstanding juvenile court ordered  
10 writ of attachment, for the sole purpose of apprehending a child named in the writ; or

11 (b) (2) This subsection does not prohibit access to and the use of the court  
12 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal  
13 Procedure Article in a proceeding in the court involving the child, by personnel of the  
14 court, the State's Attorney, counsel for the child, a court-appointed special advocate  
15 for the child, or authorized personnel of the [Department of] Juvenile Services  
16 **ADMINISTRATION**.

17 (3) (i) Except as provided in subparagraph (ii) of this paragraph,  
18 this subsection does not prohibit access to and confidential use of the court record or  
19 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure  
20 Article by the [Department of] Juvenile Services **ADMINISTRATION** or in an  
21 investigation and prosecution by a law enforcement agency.

22 (4) (i) The [Department of] Juvenile Services **ADMINISTRATION**  
23 may provide access to and the confidential use of a treatment plan of a child described  
24 under Title 10, Subtitle 2 of the Criminal Procedure Article by an agency in the  
25 District of Columbia or a state agency in Virginia, if the agency:

26 1. Performs the same functions in the jurisdiction of the  
27 agency as described in § 9-216(a) of the Human Services Article; and

28 2. Has a reciprocal agreement with the State that  
29 provides that the specific information to be shared by the State is the same type of  
30 information that will be shared by the agency; and

31 3. Has custody of the child.

32 (ii) A record that is shared under this paragraph may only  
33 provide information that is relevant to the supervision, care, and treatment of the  
34 child.

35 (iii) The [Department of] Juvenile Services **ADMINISTRATION**  
36 shall be liable for an unauthorized release of a court record under this paragraph.

1 (iv) The [Department of] Juvenile Services **ADMINISTRATION**  
2 shall adopt regulations to implement this paragraph.

3 **Article – Human Services**

4 9–219.

5 (a) (1) In this section, “confidential research record” means a record,  
6 report, statement, note, or other information that:

7 (i) is assembled or obtained for research or study by the  
8 [Department] **ADMINISTRATION** or the [Secretary] **EXECUTIVE DIRECTOR**; and

9 (ii) names or otherwise identifies a person.

10 (2) “Confidential research record” includes a record that was  
11 transferred to the custody of the [Department] **ADMINISTRATION** by a predecessor  
12 agency.

13 (b) Each confidential research record shall remain in the custody and control  
14 of the [Department] **ADMINISTRATION**.

15 (c) A confidential research record may be used only for the research and  
16 study for which it was assembled or obtained.

17 (d) A person may not disclose a confidential research record to any person  
18 who is not engaged in the research or study for which it was assembled or obtained.

19 (e) This section does not apply to or restrict the use or publication of any  
20 statistics, information, or other material that summarizes or refers to confidential  
21 records in the aggregate, without disclosing the identity of any person who is the  
22 subject of a confidential record.

23 (f) (1) Notwithstanding the provisions of this section, the [Department]  
24 **ADMINISTRATION** shall disclose to the Baltimore City Health Department, on a  
25 written request:

26 (i) a confidential research record concerning a child to whom  
27 the Baltimore City Health Department is providing treatment or care, for a purpose  
28 relevant to the provision of the treatment or care;

29 (ii) a confidential research record concerning a child convicted of  
30 a crime or adjudicated delinquent for an act that caused a death or near fatality; and

31 (iii) a confidential research record concerning a victim of a crime  
32 of violence, as defined in § 14–101 of the Criminal Law Article, who is a child residing

1 in Baltimore City, for the purpose of developing appropriate programs and policies  
2 aimed at reducing violence against children in Baltimore City.

3 (2) (i) The Baltimore City Health Department shall keep  
4 confidential any information provided under paragraph (1) of this subsection.

5 (ii) The Baltimore City Health Department shall be liable for  
6 the unauthorized release of information provided under paragraph (1) of this  
7 subsection.

8 (3) Within 180 days after the Baltimore City Health Department  
9 receives a confidential research record under paragraph (1) of this subsection, the  
10 Baltimore City Health Department shall submit a report to the [Department]  
11 **ADMINISTRATION** detailing the purposes for which the confidential record was used.

12 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
13 read as follows:

14 **Article – Courts and Judicial Proceedings**

15 3–8A–27.

16 (a) (2) This subsection does not prohibit:

17 (i) Access to and confidential use of the record by the  
18 [Department of] Juvenile Services **ADMINISTRATION** or in the investigation and  
19 prosecution of the child by any law enforcement agency;

20 (b) (2) This subsection does not prohibit access to and the use of the court  
21 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal  
22 Procedure Article in a proceeding in the court involving the child, by personnel of the  
23 court, the State’s Attorney, counsel for the child, a court–appointed special advocate  
24 for the child, or authorized personnel of the [Department of] Juvenile Services  
25 **ADMINISTRATION**.

26 (3) (i) Except as provided in subparagraph (ii) of this paragraph,  
27 this subsection does not prohibit access to and confidential use of the court record or  
28 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure  
29 Article by the [Department of] Juvenile Services **ADMINISTRATION** or in an  
30 investigation and prosecution by a law enforcement agency.

31 (4) (i) The [Department of] Juvenile Services **ADMINISTRATION**  
32 may provide access to and the confidential use of a treatment plan of a child described  
33 under Title 10, Subtitle 2 of the Criminal Procedure Article by an agency in the  
34 District of Columbia or a state agency in Virginia, if the agency:



1 records in the aggregate, without disclosing the identity of any person who is the  
2 subject of a confidential record.

3 SECTION 4. AND BE IT FURTHER ENACTED, That on October 1, 2010, all of  
4 the functions, powers, duties, assets, liabilities, accounts, books, records, personal  
5 property, contractual obligations, and employees of the Department of Juvenile  
6 Services shall be transferred to the Juvenile Services Administration.

7 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
8 take effect on the taking effect of the termination provision specified in Section 2 of  
9 Chapter 10 of the Acts of the General Assembly of 2006, as amended by Chapters 602  
10 and 603 of the Acts of the General Assembly of 2008. If that termination provision  
11 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.  
12 This Act may not be interpreted to have any effect on that termination provision.

13 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions  
14 of Section 5 of this Act, this Act shall take effect October 1, 2010.